## **COUNCIL CHAMBER**

Regular Meeting

February 28, 2017

The twenty-eighth meeting of the City Council of Charleston was held this date convening at 5:02 p.m. at City Hall.

A notice of this meeting and an agenda were mailed to the news media February 22, 2017 and appeared in <u>The Post and Courier</u> February 26, 2017 and are made available on the City's website.

## PRESENT (13)

## The Honorable John J. Tecklenburg, Mayor

Councilmember White	District 1	Councilmember Waring	District 7
Councilmember Williams	District 2	Councilmember Seekings	District 8
Councilmember Lewis	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Riegel (arrived 6:32)	) District 10
Councilmember Wagner	District 5	Councilmember Moody	District 11
Councilmember Gregorie	District 6	Councilmember Wilson	District 12

Mayor Tecklenburg called the meeting to order at 5:02 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "I would like to call on Councilmember Shahid to either say the invocation, or call on someone. Please join us if you'd like."

Councilmember Shahid said, "Mr. Mayor, members of Council, and Madam Clerk, it is my pleasure to introduce the Reverend Doctor Sandra Myers, Retired, Bethel United Methodist Church. In the spirit of this being Shrove Tuesday, I asked Reverend Myers to come today."

Mayor Tecklenburg said, "Thank you."

Reverend Doctor Myers opened the meeting with an invocation.

Councilmember Shahid then led City Council in the Pledge of Allegiance.

Mayor Tecklenburg said, "So, thank you all very much. A couple of announcements first, in the very unlikely event that we needed to vacate the building, the two exits for the main room are right in front of me, although, there is an exit door from the room over to my right, and upstairs you have that one exit door there. Do not use the elevator. Just use the stairs going down, and then the front stairs going out. If this were to happen, I would ask for everyone to

then gather in Washington Park together afterwards. Next, I would like to let folks know, because it's a new procedure, that if you want to address the Council during our Public Participation Period, to please sign up on the sign-up sheet out front. There is a sign-up sheet out front.

Next, we have a honor tonight. I think at the last meeting of City Council we announced the reappointment of our wonderful Municipal Judges who are with us this evening, Judge Joe Mendelsohn, Judge Tom Morrison, Judge Michael Molony, and Judge Alesia Rico-Flores, and to really do it right, we have a special guest to help swear in the Judges, the Honorable Stephanie McDonald. She is going to join me, and then swear in the Judges. I will let you know that Judge McDonald grew up in Charleston. She attended the Honors College at the University of South Carolina, graduating Magna Cum Laude and earned her Juris Doctorate from the South Carolina School of Law. She practiced law in Charleston for 14 years before being elected to the bench. Her practice concentrated on civil litigation and appellate work, and she represented, on occasion, the City of Charleston. Thank you very much, particularly our Police Department and its officers. In 2011, Judge McDonald was elected by the General Assembly to be a Circuit Court Judge where she served for three years, and then in 2014, was elected by the General Assembly to the South Carolina Court of Appeals where she currently serves. So, that's one step away from being on the Supreme Court. We look to see you there one day. Please come forward, Judge McDonald, and our Municipal Judges."

There was applause in the Chamber.

Judge McDonald said, "It's my honor to be here. Thank you all for having me. I feel at home. I grew up about eight blocks from here, so it's nice to be here. Are you all ready? If I could have everybody to kindly raise their right hand, we'll all do it together. I see people, I've appeared in front of, that I look up to, and I've learned from."

Judge McDonald then swore-in the Municipal Judges.

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you very much. Thank you, Judge. You all have to sign your oath here. Alright, the Judges are going to sign their oaths, and then they will be official. The next order of business is a very special matter that I would like to present to Council and the public. It's special because we have some honored guests from a very special place really in the history of Charleston and the history of a very special city in France, Flers, France. Do we have an interpreter for this evening? Marie-Laure Arnaud, are you going to interpret this evening? Would you please come forward? We're not just doing this for Mardi Gras, by the way."

There was laughter in the Chamber.

Mayor Tecklenburg continued, "I don't know if anyone noticed, but today, this afternoon, we hoisted above City Hall the tri-colors, the Flag of France, proudly flies above City Hall today. Marie-Laure, would you please come forward? So, if I may, by way of introduction, if you would use this microphone here."

Mayor Tecklenburg said, "Messieurs les membres du Conseil General, Mesdames et Messieurs, je voudrais vous présenter Monsieur Yves Goasdoue, Maire de Flers et aussi nos très chers amis venus avec lui de Normandie."

Mayor Tecklenburg said, "Would you translate?"

There was a pause. There was laughter in the Chamber.

Ms. Arnaud said, "Give me your text."

Mayor Tecklenburg said, "What I said was, Council, Ladies and Gentlemen, I am so proud to present to you the Mayor of Flers, France, and our dear friends who have come with him all the way from Normandy."

Bill McSweeney vous donnera dans quelques minutes un bref panorama historique des relations entre nos deux villes, mais je peux personnellement témoigner que cette relation d'amitié qui a commence il y a 70 ans, une histoire basée sur la compassion et le souci des autres continue encore aujourd'hui."

Ms. Arnaud interpreted, "Bill McSweeney is going to give you a two-minute, brief report on the relationship that exists between Flers and Charleston. This relationship started 70 years ago, and it is based on compassion and care of the other one, and the relationship still is going on today."

Mayor Tecklenburg said, "J'ai eu la très grande chance de visiter Flers il y a trois ans avec ma femme : Sandy, un de nos Conseillers généraux : Bill Moody et son épouse Audrey, ainsi qu'une Délégation de la ville de Charleston. Nous étions venus redédicacer une place située au centre de la Ville, connue comme la Place de Charleston appelée ainsi en honneur et reconnaissance pour notre ville."

Ms. Arnaud interpreted, "I was blessed to be able to come to Flers three years ago in the company of my wife, Sandy, Bill Moody and his wife, Audrey, and a delegation from Charleston. We came to Flers to rededicate a square which is called la Place de Charleston, in the middle of Flers, and that was done to thank the City of Charleston for what they did in 1947 to help Flers."

Mayor Tecklenburg said, "L'hospitalité qui nous a été offerte par le Maire et la population de Flers a été formidable et nous sommes encore reconnaissants pour cette merveilleuse expérience qui nous a permis de l decouvrir Flers, de connaitre ses habitants et de renouer cette incroyable relation d'amitié entre nos deux villes."

Ms. Arnaud interpreted, "The hospitality we got in Flers was absolutely incredible, and those few days we spent in Flers gave us the opportunity to know Flers and its inhabitants. We want to keep the relationship and the friendship that is going on between our two towns. It would be good for us and also for Flers."

Mayor Tecklenburg said, "Aussi, Monsieur le Maire et cher ami nous vous accueillons ici avec joie. C'est si bon de vous revoir de nouveau et nous espérons pouvoir vous retourner une partie de l'hospitalité que vous nous avez prodiguée. Nous espérons aussi continuer un échange culturel à différents niveaux entre nos deux villes, échange qui ne peut que bénéficier à ces deux communautés."

Ms. Arnaud interpreted, "So, we are very pleased to welcome you, Mr. Mayor, and also to be able to keep this relationship between our two cities on many levels, and that exchange is going to benefit both of us."

Mayor Tecklenburg continued, "Pardonnez ma prononciation."

There was laughter and applause in the Chamber.

Mayor Tecklenburg said, "I present to you the Mayor of Flers, France."

There was a standing ovation in the Chamber.

Mayor Tecklenburg said, "Would you like to address Council?"

Mayor Yves Goasdoue addressed Council.

Ms. Arnaud interpreted, "It is a great honor, Mr. Mayor, to be here, and it's a great pleasure and a great honor to see the French flag raised on City Hall. We are very proud, and thank you so much."

Mayor of Flers said, "You wait. Stay with me."

There was laughter in the Chamber.

Ms. Arnaud continued, "Mr. Mayor of Charleston, I said in Flers, I would make my speech in English. I will keep my word, within two days."

There was laughter in the Chamber.

Ms. Arnaud interpreted, "Because it was a surprise to be with you, he did not know he was going to be with you, and he could not prepare his speech."

Mayor of Flers said, "But, no, I have something to say not in English, in French."

Mayor Tecklenburg said, "Yes, it's okay."

Ms. Arnaud interpreted, "He's extremely cognizant, and the people in Flers are also cognizant, the people in Normandy, and the people in France, are very grateful for what you did. The person that is in front of you today is not only the Mayor of Flers, but is also the Parliament, the man from the government, Deputy of Orne Province of France to the French National Assembly, who is talking to you, and thank you."

Mayor Tecklenburg said, "Merci Beaucoup."

There was applause in the Chamber.

Mayor Tecklenburg said, "So, we will be with our guests from Flers for the rest of the week, and I am going to call on Bill McSweeney to come forward and just give us about two minutes in English, maybe not translated, so we can move along, just a really brief synopsis of how we even got here today. Bill McSweeney, he is a Professor of History, and an amazing resource for this connection."

Bill McSweeney said, "Thank you, John. Yes, I think that I heard about this relationship for the first time, after some 40 or 50 years, that had been almost forgotten in Charleston. I

want to just very quickly tell you the devastation that these people faced after World War II. We came through Normandy at the beaches, we chased the Germans out of France, but then we left the interior of the Normandy Peninsula devastated for years. When Charlestonians heard about this, this is the story of how we rallied as a community and a people for the aid of someone that was in such dire distress. I don't know how to tell you in a short period of time what was needed, food, clothing, school supplies, heat, electricity, for years. I have recently come across a document that talks about, there must be about 75 businesses in Charleston that came together. City Councilman Shahid, your family was involved, Dixie Furniture, Morris Sokol. It's crazy, if you look at this list, it's the history of Charleston in the 1940s, and it crosses every religious and social barrier. I want to say how proud I am of the City of Charleston, so that I can stand here today and say that we are proud to be your friends, Flers."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you. So, I'm just going to briefly add, you heard how hospitable they were to us when we visited Flers a few years ago. I kidded them that they must have been from the southern part of Normandy because they were so hospitable."

Mayor Tecklenburg continued, "It was incredible, and granted it was the 70<sup>th</sup> Anniversay of the Normandy Invasion and a lot of patriotism. Bill (Councilmember Moody) will attest that wherever we went, not only in the Town of Flers, but throughout the State of Normandy, American and French flags flew together, side-by-side, not one above the other, side-by-side. That struck me so deeply of the feelings that they have for us and thankfulness, brotherhood, and fraternity, it was really remarkable. The fact that Charleston had kind of forgotten the story, and that the largest square in the Town of Flers is called the Plac du Charleston in thankfulness and honor to this City. It's just a remarkable relationship that began over 70 years ago, and that we all commit to continue in the future. So, God Bless you, and we are going to see you a lot this week."

There was applause in the Chamber.

Mayor Tecklenburg said, "So, next, we have our public hearings portion of our meeting. The first public hearing up is a Zoning Ordinance change regarding 573 Meeting Street and 35 Walnut Street. Mr. Morgan, are you going to make any introduction about it, or are we just going to proceed on? They are looking to rezone this property, and we will get our screen up in just a minute."

Christopher Morgan said, "Yes, Mr. Mayor and members of Council, this is 573 Meeting Street and 35 Walnut Street. It's owned by Charleston Interfaith Crisis Assistance Ministry. One80 Place is the common name that they go under. It is 2.145 acres. It's a request to go from General Business to Mixed-Use Workforce Housing. With our maps that you also have in front of you, this is an image that shows the surrounding area. Again, we have Meeting Street running roughly north and south. Walnut Street is here, and I-26 is here. This also backs up to the Palmetto Brewery property, which is already the MU-2 Workforce Housing in this location. The Charleston Housing Authority has some properties here, as well as up here at the corner of Huger and Meeting Street. Then there are some other warehouses in this location and other residential structures down to the south. The request is to rezone to the MU-2 Workforce Housing. We've got an aerial image here, and that is that item. Both the Planning Commission and staff recommend approval, and this is in compliance with the Comprehensive Plan."

Mayor Tecklenburg said, "This is the property where One80 Place is. We're all familiar with it. Would anyone from the public like to be heard on this matter, the rezoning."

- 1. Stacy Denaux, CEO of One80 Place, thanked Council for considering the request and City staff for their work on the project. She stated that redeveloping the project would further the mission of taking care of the community's most vulnerable citizens. The new zoning would help to maximize the property. In partnership with South Carolina Community Loan Fund, they would be able to provide affordable housing for members of the community who were priced out of traditional workforce and affordable housing. They were working the design process, and they would be coming before various City Boards and Commissions to share and work on these plans.
- 2. Richard Gowe, architect at LS3P, said he was working with Ms. Denaux on their design plans. He said he attended an affordable housing conference held by the City, and his main take-away was that housing affordability was driven by the density of the development, and it was less expensive per unit if there were more units. It was also less expensive to build a taller building and have less parking. He expressed concerns that excessive design could cause housing to cost more than it needed to. He thought organizations like One80 Place should receive expedited design review, or even staff-level review to avoid extreme expense.
- 3. Anthony G. Bryant spoke about housing discrimination and expressed concerns about impact fees not being used by the County. He said the City was not charging enough money to hoteliers, and that it needed to get people who were going to put something on the table for affordable housing. He said that One80 Place was a great organization and deserved to be at the top of the charts all the time.

Mayor Tecklenburg said, "Thank you, sir. Would anyone else like to be heard on this matter? If not, it comes before City Council."

Councilmember Moody said, "Move for approval."

Councilmember Seekings said, "Second."

Mayor Tecklenburg said, "We have a motion and a second. Is there any discussion?"

Councilmember Waring said, "Yes."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Waring said, "I do think we need to bring Ms. Denaux and her team and at least let them stand up. They do such an outstanding job for those who can do so little for themselves. I don't know what our community would do without them. So, Ms. Denaux and your team, please stand up. We are proud to support something like this."

There was applause in the Chamber.

Mayor Tecklenburg said, "I'll just make a footnote that, it may be a little ironic, that the first approval that we would have for our MU-2 Classification is for someone that doesn't need any new rules or a new formula because they're going to do all they can to promote and have affordable housing in this development. We thank you for all you're doing. God Bless."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Mayor, I just wanted to say that I would like to commend them for doing what they're doing, because we talk about homelessness a lot in the City of Charleston and trying to deal with the homeless situation. At One80 Place, they are trying to do something to really help with the homelessness, to be able to house the homeless and help them in permanent housing. So, this would really help out a lot in dealing with that, and even though I know we have something on that deferred. If we can deal with the building and the height on the other part of the parcel, that would help them too. To be able to have the money there and to assist in having those complexes will help with the homelessness. If we are going to talk about homelessness and we're going to help the homeless, then we need to do something about it and stop talking about it. So, I'm glad that they're coming forth with this and I'm going to try everything that I can do to try to assist them with their property."

Mayor Tecklenburg said, "Yes, sir. Thank you."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. Just very briefly in follow-up to Councilmember Mitchell and Councilmember Waring's comments. Councilmember Mitchell is the Chairman, it would probably be a very good thing for us, sooner rather later, to have our Community Development Committee meet at One80 Place. They've got a facility that would be fantastic for us. Our committee can see what's going on. I know that Stacy would be happy to have us, and, so, I think, Mayor, we should put it on the road and head up to One80 Place, and see what they're doing. It really will bring it home to the Committee as to the hard work their doing and what happens day in and day out there. Mr. Chairman, schedule us up there. Thank you."

Mayor Tecklenburg said, "I think we just got invited."

Councilmember Seekings said, "Yes."

There was laughter in the Chamber.

Mayor Tecklenburg said, "If I may veer from the agenda for just a minute."

Councilmember Seekings said, "We didn't vote yet."

Mayor Tecklenburg said, "Oh, we didn't vote yet."

On a motion of Councilmember Moody, seconded by Councilmember Seekings, City Council voted unanimously to give first reading to the following bill:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 573 Meeting Street and 35 Walnut Street (Peninsula) (2.145) (TMS #463-16-04-022 and 463-16-04-035) (Council District 4), be rezoned from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification. The property is owned by Charleston Interfaith Crisis Assistance Ministry.

Mayor Tecklenburg said, "Next, I will veer and just go to one participant of our Citizens Participation. We have another special guest with us tonight, Miss Black South Carolina USA 2017, Alexsis Brooks. I'm just going to call on her for a few remarks, because we have a couple other public hearings that will take a little while. Congratulations, Ms. Brooks. Thanks for being with us."

Miss Alexsis Brooks (Miss Black South Carolina USA) said, "Thank you. Yes, sir. Good evening, everyone. My name is Alexsis Brooks. I am your 2017 Miss Black South Carolina USA. As an invitation from City Councilman Rodney Williams, I would like to take three minutes to talk on behalf of my platform, Heart of Truth. The heart is a vessel. It's red, big, and powerful. Do you stay motivated? Is your heart healthy? Eat healthy, feel healthy, be healthy. It's time to make a change. Let's come together as one to motivate each other to have a healthy heart. Throughout our community, our State, and our Country, heart disease, let's defeat, keep a healthy heartbeat. My goal is raise awareness on a healthy heart throughout the community. I am so thankful to represent the State of South Carolina in Nationals in August 2017. I am Alexsis Brooks, your Miss Black South Carolina 2017."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you for that message. My wife reminds me of that message often."

There was laughter in the Chamber.

Mayor Tecklenburg said, "We're going to defer Item E-2 regarding the height of 573 Meeting Street, and come to that, I think, after we resolve the matter that's pending before Council of our various height districts. I think their timing is such it'll be fine for them to come back after we've finished the height zonings. So, next is Item E-3."

Mr. Lindsey said, "Thank you, Mr. Mayor. This is a zoning of two properties located at the corners of Folly and Grimball Roads. These properties will be a limited commercial use, and they will come in as LB Zoning that limits the hours of operation from 7:00 a.m. to 11:00 p.m. It also prohibits drive-through uses at this location. Importantly, by coming into the City, these properties will now be subject to our own Design Review Board, which is not present under the County, and those are the two. I don't know what's up with our strange graphic here, but those are our two properties right here under consideration. So, ignore the yellow line, these two properties right here."

Mayor Tecklenburg said, "So, the matter is before us, the rezoning of these properties out at 1548 Folly Road. Would anyone like to be heard on this matter? Yes, ma'am. Please state your name and address before speaking."

1. Erica Harrison said she represents Ms. Wilson who is the owner of the two parcels at the intersection of Folly and Grimball Roads. She stated that the City's staff has been wonderful to work with. She stated that they are asking for a Limited Business designation. The property already has a high commercial use in the County so what they decided to do is a downzoning on the front parcel and also request a Limited Business Zoning. She stated that they are looking forward to working with City staff as well as the Re-think Folly Road Corridor Plan to create a family-friendly, diverse opportunity on this corner.

- 2. Penny Hawk Wilson stated that she is the manager of SCAN Assets, LLC which owns the two parcels at the intersection of Folly and Grimball Roads. She said this is a local family company (which includes her son and three daughters) that has owned the property since the early 1950s. She stated they have watched James Island be overdeveloped and that they have no intention of putting housing on the property or a national fast food chain. She stated they are looking at a nice restaurant and some other commercial development. She stated that her son has spent hours cleaning the property up. She stated that they envision a Gateway project to this neighborhood.
- 3. Chris Dixon said he lives on Teal Marsh Road in the Riverfront Neighborhood. He stated that he writes for Garden and Gun Magazine, and he is on the board of the Warrior Surf Foundation which does work on Folly Beach. He stated that they run a weekly program in which they take veterans who are in need of therapy and some of whom have been through combat and teach them how to surf. He stated that they are feeling inundated and flooded with traffic and they are fed up with the scope and scale of development. He stated that he feels like some of the development such as the Broadstone Apartments, has been done in secret. He stated there needs to be a building moratorium for James and Johns Islands until the City and the County can come up with a board that will work together.
- 4. Carolyn Sotka said that she lives very close to the intersection of Folly and Grimball Roads. She said they completely understand these are two very small properties but once these properties are annexed into the City and rezoned, much larger tracts of land will follow suit and they will be considered contiguous and that is a way bigger issue than what is being presented. She stated they do not want any change in zoning on what would allow for multi-unit housing now in the future. She stated that they do not want another Coleman Boulevard or Myrtle Beach.
- 5. Beth Thomas said that she has lived on James Island her entire life. She also lives in the Riverfront Subdivision and states that it is absolutely ridiculous the way it is growing up and she is totally against what they are planning to do with this development. She stated that this development is going to bring more traffic to James Island which they don't need and that the City cannot zone this property the way they're doing it. She also is concerned about the effect it will have on wildlife.
- 6. Nancy Amato said she lives in Riverfront on James Island. She stated that she left Charleston for a number of years and upon returning is appalled at the quality of life that has spiraled downward in those years she was gone. She is also concerned about the animals' habitats being destroyed. She stated that she has deep roots here, and she is opposed to any further development. She wonders who approves these projects without the infrastructure in place to accommodate cars. She always thought people that were elected are kind of looking out for them, and she doesn't feel that way anymore which is tragic.
- 7. Matt Ruby said he lives at 1650 Bryce Road off Grimball Road Extension. He asked that City Council not allow anymore development or zoning changes for higher density for a more commercial intensive use. He also asked that the City say 'no' to multi-unit dwellings, apartments, spillover from Broadstone Seaside which is now Spyglass, no height greater than 35 feet or two stories, no chain convenience stores, gas stations, car washes, fast food restaurants, or other non-local businesses. He

stated that by the time the Broadstone development zoning signs went up on Grimball Road Extension, it was already a done deal. He stated he is not against change but that the developers are coming in, getting free passes, and destroying James Island in the name of profit.

- 8. Eileen Dougherty said she also lives at 1650 Bryce Road on James Island. She stated that as her husband mentioned, they are very close, within maybe 500 feet of the proposed new zoning. She stated that their community has a long history in that a lot of their neighbors have land that was passed down from family to family. She stated that they have a strong, quiet community, and the addition of the Broadstone and new Limited Business for this is really going to change the culture, traffic, the ability for neighbors to interact. She asked that in considering this zoning at least for the Grimball side of the road where you have the Folly piece and the Grimball piece, that it not be approved for Limited Business.
- 9. Henry Halter said that his family has been on James Island for 90 years and that he has a different perspective on this than most people. He stated that his family bought this property in the 1920s and sold it to the Wilsons about two years ago. He stated that his family has been here for a long time and that his great, great grandfather's picture is hanging in City Hall, John Andreas Wagner, Mayor, in 1870. He stated that in 1980 the traffic on Folly Beach would back up. He stated he understands that more people are living out that way and that it gets mixed in but he feels a lot of it is due to Folly Beach traffic. He stated that there's been a business on this property for a long time and that he sold it to the Wilsons because they plan to put a restaurant there.

Mayor Tecklenburg said, "Thank you very much. Would anyone else like to be heard on this matter?"

No one asked to speak.

Mayor Tecklenburg said, "So, this matter also is contingent upon the property actually being in the City, which we come to that later on the agenda to actually do the annexation. Can I suggest to Council that we take up the matter of the zoning after we annex the property into the City, so it will come a little later? Alright. Without objection, we'll move on to Item E-4, which is a rezoning of 1991 Holliday Street. Mr. Morgan."

Christopher Morgan said, "Yes, sir. This is also a recent annexation in West Ashley."

Mayor Tecklenburg said, "Please speak into the microphone."

Mr. Morgan continued, "I'm sorry. This is a recent annexation in West Ashley. It was R-4 in Charleston County. The closest compatible district and also the district that most matches the surrounding lots is SR-1, and both the Planning Commission and staff recommend approval."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter? Please come forward. Hearing none, the matter comes before Council. What is the pleasure of Council?"

Councilmember Lewis said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "We have a motion and a second. Is there any discussion?"

The Clerk said, "Who made the motion?"

Mayor Tecklenburg said, "Councilmember Lewis."

Councilmember Lewis said, "and Councilmember Mitchell."

The Clerk said, "Okay, thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Can we get Mr. Morgan to come up because I would just like to get a second explanation. I mean, I do, but I think, just for the public, that this truly is a downzoning, and even in the County, I think this property is zoned more aggressively."

Mr. Morgan said, "Yes, sir."

Councilmember Waring said, "I'm sorry, I'm on another issue."

The Clerk said, "Can we finish the motion?"

Councilmember Waring said, "I'm on another issue. I'm still on Item E-3. I'm sorry."

Mayor Tecklenburg said, "Right, I'm just seeing if there is any other discussion or comments from Council."

On a motion of Councilmember Lewis, seconded by Councilmember Moody, City Council voted unanimously to give first reading to the following bill:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1991 Holliday St (West Ashley) (0.20 acre) (TMS #355-15-00-101) (Council District 2), annexed into the City of Charleston January 24, 2017 (#2017-007), be zoned Single-Family Residential (SR-1) classification. The property is owned by Sabrina A. Perkins.

Mayor Tecklenburg said, "Now, Councilmember Waring, did you want to take up the matter of E-3 before the annexation? Do we want to make a couple of comments? I'm happy for Council to go ahead and discuss the matter. We'll vote on it later if you all want to do that."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, I think we should."

Mayor Tecklenburg said, "Okay. I'm alright with that."

Councilmember Gregorie continued, "I've heard a lot, and I would like for Planning to sort of clarify some issues here. If we left things the way they are, in terms of the current

zoning, if it's not annexed into the City, what do we get, or if we annex it with the current zoning, what do we get?"

Mr. Morgan said, "Okay, and I think that's where a lot of the misconceptions come because the current zoning is governed by an Overlay by Charleston County, and a lot of people don't understand that when you have an Overlay, that's a rezoning too. So, the County did an Overlay for this whole area of Folly Road. The City participated in that Overlay, but really what the Overlay does, in a lot of instances, are the same things that our Design and Review Board does. That's why we did not adopt the same Overlay, but what the County's Overlay shows on this property is the CC at the corner and I apologize for this errant yellow image (referring to the electronic presentation) but the CC at the corner and then Neighborhood Commercial is to the rear. So, the CC is actually much more intense than our LB. It allows fast foods. It's the County's zoning that you would see in the County on Savannah Highway, for example. So, it's an intense category."

Councilmember Gregorie said, "What does CC mean?"

Mr. Morgan said, "It means Community Commercial. It's their 'everything and the kitchen sink' kind of zoning at the corner. Now, it is true that to the rear of the Neighborhood Commercial that the County shows as this pink color, it is not as intense as LB, but we felt the trade-off made a lot of sense there, and the added aspect of bringing it into the City for the publicly available Design and Review process, which the County does not have, made the annexation to LB in the City make sense for the area. It also is in complete conformance with the Rethink Folly Road Plan that was adopted, and because we have that Design Review Board, they will be able to review that plan in the context of the site plan. All of the members of the public who have an interest in what goes on this property can come to that meeting and have input into it, as well."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you. That's the explanation I wanted. Thank you."

Mayor Tecklenburg said, "Okay, would anyone else like to ask a question or discuss the matter?"

Mayor Tecklenburg recognized Councilmember Shahid followed by Councilmember Wilson.

Councilmember Shahid said, "Mr. Morgan, can you just go back to the photograph part of the presentation? There was a property directly across the street. To me from here, it looks like a lumberyard of some sort."

Mr. Morgan said, "It's an industrial operation across the street right there."

Councilmember Shahid said, "What is directly across the street from the property now?"

Mr. Morgan said, "Oh, down here. I'm sorry. Well, it looks like a lumberyard because that's when the Broadstone at Folly was under construction. Those are the buildings of the Broadstone at Folly. It was formerly a junkyard. There was an auto body junkyard there, and it became the apartments."

Councilmember Shahid said, "Directly across the street where the yellow lines are?"

Mr. Morgan said, "This is an industrial operation. I'm not quite sure what they do there. It's not in the City, but I know it's industrial. It's a fairly large metal building there."

Councilmember Shahid said, "Thank you."

Mayor Tecklenburg recognized Councilmember Wilson.

Councilmember Wilson said, "Thank you. This is actually Councilmember Gregorie's district, but naturally, it's kind of fallen on my plate, as well, given that it's James Island, and I need to make a few remarks here. First of all, of the two parcels, we really truly are looking at a downzoning, and the one that is on Grimball that we keep talking about Single-Family Residential, it is not. There is a Commercial Overlay in the County with that parcel. So, essentially we're taking a General Business and downzoning it to Limited Business. translating everything to City Code, and next door is a Limited Business being rezoned to a Limited Business, County to the City. I understand James Island is on a hair trigger right now. They really are with the things that have gone on over there. What I see is zonings that come up, particularly General Business, Limited Business, these types of things, and we see developers cherry picking the items which they want to develop, the manner in which they want to develop. These zonings carry a residential component, and that is what numerous people who spoke tonight are in fear of. Somehow, this property is going to be flipped, and that residential component will be inserted into a development. Perhaps, as a Council, this is something to talk about. Perhaps, we need to start tassing those two things apart, Commercial versus Residential, in some of our zonings because we're going to see a really bad one coming up here probably in the next one to two months in which the property was General Business. and the business part has been completely ignored. It's all gone Residential. But back to this, we talk about grow local, buy local, that sort of thing. Here is a family that wants to start a locally-owned business. I know Folly Road was absolutely a disgrace this past weekend. It was tough getting anywhere, but I think we also have to be cognizant of property owner rights. I understand we're mixing a lot of issues. We're mixing in the Broadstone, which was Light Industrial. Heaven knows what could have gone in there had that zoning remained Light Industrial. The Lively across the street was one of the most egregious things, next to the Gathering Place, that has ever hit James Island, and I'm so very happy it was withdrawn in the end. Then, of course, we have the whole Maybank debacle, which I don't need to rehash. We did so about 50 times I think, in this Council. So, you can see why the Island is in an uproar.

With development, these things come to our plate actually rather late in the game. When somebody has a parcel of land, they can choose to keep the zoning as is. They can choose to upzone or downzone. They can choose to put in a conservation easement, which nobody is doing. There are all sorts of possibilities, and land must carry a zoning, and we must honor a property owner and that property owner's rights when it comes to us in that manner. It's not a referendum, unfortunately, otherwise nothing would ever get built anywhere. We can't make everything a park. While I hate to see more stuff going on, there's not going to be a single residential component to this. This is going to be a family-owned, locally-owned Commercial Limited Business. I would be anxious to hear Councilmember Gregorie's thoughts on this, but there is much worse that could happen here, and I'm going to get beat up for it. I know I will. I'm getting beat up on James Island for downzonings. That's the point that we have gotten to on the Island with the way tempers are running and with the nature of development and what is going on, on the Island. I'm kind of at my wit's end because our hands are bound to a degree. We've got to act within the confines of the law, and we've got to respect the rights of the property owner and try and balance that with the wishes and the needs of the community, what

works, and what is appropriate. It's entirely appropriate to combine those parcels and have one cohesive zoning."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Just to add, I'm kind of used to getting beat up these days with regard to a lot of the issues regarding James Island. I do think, however, that where we're headed with this is the right direction. It gives us an opportunity to first annex into the City, and secondly, downzone, and downzone to a point where we would then block the kinds of things that I really think would be hazardous to that community with a General Business Zoning, and that's what a CC really is in the County. It would allow the kinds of businesses to go in that I do think would have more of an effect on the livability of that community. As my colleague Councilmember Wilson said, there are certain property rights, and we, as a Council, I don't think, have the authority to negate those rights. I do think, however, that under this scenario it is one that I am going to support as the Councilman for that district because I do think that it will lessen the blow if we did nothing."

Mayor Tecklenburg said, "Would anyone else like to be heard? Are there any questions or comments?"

No one asked to speak.

Mayor Tecklenburg said, "So, next we'll move along to the approval of our City Council minutes from February 14, 2017. Are there any additions, deletions, or corrections?"

Councilmember White said, "So moved."

Councilmember Moody said, "Second."

On a motion of Councilmember White, seconded by Councilmember Moody, City Council voted unanimously to approve the minutes of the February 14, 2017 City Council meeting.

Mayor Tecklenburg said, "Next will be our Citizens Participation Period. I think we had a sign-in sheet."

The Clerk said, "We have a very long sign-in sheet."

Mayor Tecklenburg said, "We have about 30 folks who would like to speak, so I'm going to ask you all just to keep it to a minute apiece and, Mohammad Idris, you are first up."

1. Mohammed Idris said an ironic thing took place last week dealing with land and a political situation. Benjamin Netanyahu has the same kind of name like Windermere. It is ironic that after President Trump had the press conference with Benjamin Netanyahu and told him he would like the Israelites to stop building on the Palestine land he also started at a fast pace saying that the major news media promotes false news. Benjamin Netanyahu name means friend of the right hand. Now when he was born he was named son of the left hand.

- 2. Reverend Christian King said she has served for nearly ten years as the President of the Ardmore Sherwood Forest Subdivision. She stated that one of the things coming forth is a number of community members who will address the issue of flooding that is within their community. She stated that she has came tonight specifically to address and to ask the committee to consider the aspect of providing for our community a place for our community to meet, to have a community center. She stated that their Councilman has done a wonderful job in helping us to go forward with that and she asked for support for that effort as well as the other Councilmen.
- 3. G. Karahalis said he came to support the moratorium in development in the West Ashley area that has been burdened with flooding and some of the same issues that have been discussed in the last few minutes. He stated that it is vitally important that we do some forward thinking with care and look in a comprehensive way at the things that need to be done in order to assure the quality of life in their communities. He asked for support for both the moratorium and funding of the study.
- 4. Tyler Morris said he is with the Guy and Morris Company, and Jake Farver joined him. Mr. Morris stated that they are here to speak on behalf of the property owner and developer for the property formerly known as the First Baptist Church parking lot in historic downtown Charleston on Market Street. He stated that they have begun discussions with several leaders in the community and City staff and to state their commitment to engage with the City Council, City leadership, City state, and the community over the next coming couple weeks as they work towards discussing a plan for the property. He stated that this property is part of the Hotel Accommodations Overlay that will be discussed later this evening.
- 5. Cam Wills said two years ago he read the West Ashley Redevelopment Plan. He stated that he found a piece of property and he worked two years to get the property to a development state. He stated that they have nine businesses and up to 90 potential jobs coming to the area and all of a sudden there is a moratorium being proposed. He stated that he is right at the cusp of building. He stated that he hopes Council can grant some type of variance for his project. He also stated that he feels residential home building could be the culprit for flooding on Bees Ferry more than anything. He stated that he is requesting consideration for his project.
- 6. Janet Segal said with regard to the moratorium in West Ashley in order for anybody to make a sensible and data driven assessment of anything, you have to have sort of a static situation and there is a moratorium. Then this soon to be named engineering firm can come in, look at it as it is, not as it's moving around and still being built. She stated that she thinks that it's a good idea of putting a moratorium in place while this study is going on, so that a solution to the flooding.

Councilmember Riegel arrived at 6:32 p.m.

7. Kim Simmons said with regard to the West Ashley moratorium she wanted to thank everybody for getting this proposal and hiring an engineering firm to take a look at this. She stated that they are very concerned about the retail center and other development in the water shed due to the flooding that occurs in their yards even during normal rain events. She stated that she feels it is really important that the moratorium goes forward and she would like to know the scope that the moratorium encompasses with regard to the water shed.

- 8. Kelvin King said that he has lived in Ardmore/Sherwood Forest since 1978. He stated that before they brought in the two ponds and the drainage area behind his house the whole neighborhood flooded and there are still eight houses that flood. He stated that people can't get out of their houses every time it rains. He stated that he feels his neighborhood has been forgotten.
- 9. Sharon Rutledge said she has lived in the Ardmore/Sherwood Forest area for over 40 years and it has been flooding for over 29 years even when it's normal rain. She stated that she has an 83-year old elderly mom and three small children in the home. She stated that she is very tired of waddling through water and nothing has been done. She stated that she is pleading for help. She stated that they have been denied flood insurance and their flood insurance has also been cancelled several times.
- 10. Debbie Brown said she has lived at 1619 West Robinhood Drive in Sherwood Forest since 1994. She stated that a week after she took occupancy it rained and seven inches of water came into the yard and stayed there. In 2017, 17 inches of water is coming into the yard flooding their house with three inches of water end to end. She has sent five certified letters to City Hall trying to get help and she has not received any. She stated they are being forced to buy flood insurance that they should not have to buy. She invited Council to come to her neighborhood to check the ditches out.
- 11. Marc Knapp said he has been talking about the stormwater situation in the City for 25 years and it's time that some money be put toward fixing the stormwater problem. He said that the flooding in Shadowmoss is terrible. He stated that the City could hire contractors to do the work.
- 12. Elizabeth Thomas said with regard to the Grimball Road Project she remembered the Mom and Pop businesses on this property that served sub sandwiches when they closed that down. Then there was a store that sold cigarettes, nabs, etcetera but the store kept getting robbed so it closed down went out of business. Further, a drunk driver drove through the store so the store was demolished. She stated that serving sub sandwiches is a lot different than apartments or whatever is going to be put there. She stated she wanted everyone to know that it was not a big business and no traffic was involved.

Mayor Tecklenburg said, "Thank you so much. Was there anybody else?"

The Clerk said, "She's holding her hand up."

Mayor Tecklenburg said, "I'm sorry."

The citizen said, "I came in late, so I didn't sign the sheet."

Mayor Tecklenburg said, "Okay, alright. I'm sorry, we have a new policy. You need to come in and sign in on the sheet, and we'll be meeting again in two weeks. We're glad to have you come back and address the Council. Our 30 minutes is over, as well. Thank you. So, next is our Council Committee Reports. First up is Chairman Mitchell of the Committee on Community Development."

Councilmember Mitchell said, "On February 16, 2017, the Community Development met for a special meeting, and we had two items. Both items were for information only. We also had a meeting on February 23, 2017 at 4:30 p.m. dealing with the Mixed-Use Workforce Housing Fee in lieu of Amendment, but that was deferred for another 30 days until we have our next meeting. So, no action needs to be taken because it was deferred until the next meeting. We want to have some more information before we decide to make a decision before we send it to Planning, so it's going to come back to us in 30 days, and that will be sometime in March."

Mayor Tecklenburg said, "Alright. No action to be taken on Community Development. We're still working on the formula. Next up is our Committee on Recreation, Chairman Gregorie."

Councilmember Gregorie, Chairman of the Recreation Committee, said, "Mayor and Council, the Recreation Committee met on the 21st of February, 2017 at 4:30 p.m. There were several items on the agenda. Two of the items require action from this body. The first is the naming of the Hall II Tract after Coach Stanley Chisolm, calling it the Coach Stanley Chisolm Park. That will require action from this body. The Committee voted unanimously to support it. The other is the pilot program between the Town of James Island and the City. Again, while we voted on that in Ways and Means, our Committee voted unanimously on that one. So, those are the two that I recommend approval of, and I think Mrs. Chisolm is here."

Mayor Tecklenburg said, "Andrea Chisolm is with us this evening. Please stand and be recognized, Ms. Chisolm."

There was applause in the Chamber.

Councilmember Gregorie said, "Mr. Mayor, we move for approval."

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "We have a motion and a second. Is there any discussion or comments?"

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "I would just like to make a comment, Mr. Mayor. Mrs. Chisolm, the late Mr. Stanley Chisolm, they are really good people and good friends of mine, and they live in the district I represent, Rosemont. I would like to thank the City staff for looking at and finding this piece of property to name after Mr. Chisolm. He was a gentleman that worked along with the City Recreation Department for years, dealing with the young people, keeping them out of crime, and doing some other things in the community. Also, when you go to Rosemont, you hear his name all over the place insofar as dealing with the seniors. He would drive down the street, and if he saw anyone needing help raking their yard, he would get out of his car, stop, and help them along the way. So, this is a good thing to have something named after him, because he did a lot of work in the City with the Recreation Department. I think Ms. Yarbrough can attest to that, he did a lot of work in the City, and all of it was volunteered. All was on a volunteer basis. So, I'm happy we are doing something to name it after him. Thank you."

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel asked, "Is Councilmember Gregorie still giving his report?"

Councilmember Gregorie and Mayor Tecklenburg said, "There's a motion on the floor."

Councilmember Riegel said, "I wanted to ask, Councilmember Gregorie, Mr. Chairman, if the opportunities come up before Recreation, and Laurie is back here, I see, about the ongoing problem with buzzards and vultures at the Bees Landing Recreation Center. The trees are full of these buzzards. I don't know what brand they are, but they feed at the landfill, and then they come over, I see Josh coming up, they come over, Jason (Kronsberg), after they feed, and take water out of the ponds. They've even gone over and flown up the entrance and picked up mats and carried them off. Some of the small children that are going to be out there playing sports, soccer and baseball come this spring, are a little intimidated. So, I don't know, Councilmember Gregorie, if that's on your radar or not. Laurie, I don't know if it's on your radar or not. The Mayor has seen it firsthand. Josh has seen it firsthand, and I thought he was going to handle it, but I guess he didn't. So, are there any comments about that problem?"

Councilmember Gregorie said, "In response to your question to me, no, that has not been placed on our agenda. That is not to say the staff is not aware of it. I think that's why Jason's at the microphone."

Councilmember Riegel said, "Okay, thank you, Mr. Chairman."

Mayor Tecklenburg said, "Mr. Kronsberg would be happy to address that. Could I ask that we act upon the matter on the floor first before we bring up a new topic? We were about to approve the naming of Hall II Tract, that park near Rosemont, in honor of Coach Chisolm and all of the wonderful work he did with children in his lifetime. Are there any other comments or questions?"

The Clerk said, "And the pilot program."

Mayor Tecklenburg said, "And the pilot program for James Island."

Councilmember Gregorie said, "Thank you, Mayor."

Mayor Tecklenburg said, "Okay. Is there any further discussion or comments on those two matters?"

On a motion of Councilmember Gregorie, seconded by Councilmember Waring, City Council voted unanimously to adopt the Committee on Recreation Report as presented:

- (ii) Naming of Hall 2 Tract recommendation: Coach Stanley Chisolm Park
- (iii) Approval of a one-year pilot project between the City of Charleston and Town of James Island authorizing the City to open the James Island Recreation Complex on Sundays from 1 p.m. to 5 p.m. for use of the gymnasium by the Community

Mayor Tecklenburg said, "God Bless you. Thank you, Ms. Chisolm, for being with us this evening. Mr. Kronsberg, would you like to give us just a brief report on the turkey vultures?"

Jason Kronsberg said, "Yes. So, we have worked with the U.S. Fish and Wildlife Service to get a permit to try and do something about the problem. They're a protected species. The permit we have through the U.S. Fish and Wildlife Service allows us to try and deter the birds from roosting where they are roosting. We have tried that on a couple of occasions. That has not worked. So, now, we're again working with the U.S. Fish and Wildlife Service to come up with another way to antagonize the birds, so to say, to try to make them uncomfortable, so they won't come back and roost there every day. It's an unfortunate land relationship that we're so close to the landfill where the birds spend their day, and then they have a protected place within the park to roost. So, we are trying, but we haven't found a good solution yet."

Councilmember Riegel said, "Why don't we send the presiding Councilman over to that area, Councilman Wagner, and just scare them to death? That might scare them away."

There was laughter in the Chamber.

Mayor Tecklenburg said, "Chairman Gregorie, did you have any other business you would like to report from your Committee, sir?"

Councilmember Gregorie said, "No, Mr. Mayor. Thank you."

Mayor Tecklenburg said, "Thank you, Mr. Kronsberg."

The Clerk said, "Councilmember Moody has a question."

Councilmember Moody said, "Before we leave that, was there an update on the status of WPAL and Bender Street? There's a whole bunch of things on here that we kind of jumped over."

Councilmember Gregorie said, "Well, do you want me to go item by item? I didn't think so, but I can tell you that we did updates on Bender, and there was a discussion with respect to WPAL. We tried to get ahead of the Greenbelt dollars by trying to pull together, now, whatever we would need for WPAL, so when the dollars become available, it's ready on the shelf. So we did have that discussion. It was a lengthy discussion. For which other items, specifically, what would you like me to cover?"

Councilmember Moody said, "Well, the other one I was interested in, and I'm really disappointed that my colleague to my left didn't say that, was the Natatorium update."

Councilmember Gregorie said, "We did have a very, very good presentation on the Natatorium, thanks to Councilmember Wilson. She shared with us a promo piece that I thought was very well done. We did have some discussions as to the location of that piece."

The Clerk said, "Councilmember Gregorie, we're not picking you up."

Councilmember Gregorie said, "Oh, I'm sorry. We did have discussion as to where it should go on the City's website, etcetera, etcetera. There will be further discussions with IT to determine what's the appropriate place for it."

Councilmember Moody said, "Thank you. I'm sorry I didn't attend that meeting. That would have been a good one to go to."

Councilmember Gregorie said, "Anytime."

Mayor Tecklenburg said, "May I make an editorial comment that when we use the microphones, if you would do like Councilmember Gregorie just did and also bring it a little closer, I think everybody will be able to hear a little better."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. That presentation, is there any way that could be, I'm not on the Committee, anyway that can be shown to Council?"

Councilmember Wilson said, "Oh, absolutely."

Mayor Tecklenburg said, "We'll be happy to put it on the next agenda. Terrific."

Councilmember Wilson said, "Great. Thank you."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Also at the Council Workshop, we might, if we have time."

The Clerk said, "Mayor. Yes, he's suggesting at the Council Workshop, possibly."

Councilmember Mitchell said, "I said if you have you have it at the Council Workshop, maybe if you have time, if there's not a full agenda."

The Clerk said, "The Natatorium presentation."

Councilmember Mitchell continued, "It might be feasible to do it there, if time permits."

Mayor Tecklenburg said, "Either way works for me."

Councilmember Wilson said, "It's only four minutes."

Mayor Tecklenburg said, "It's not long. Maybe we'll play it at the next Council meeting, so the public will be able to enjoy it and have a little discussion about it at the workshop. How about that? So, next up is the Committee on Traffic and Transportation, Councilmember Seekings."

Councilmember Seekings said, "Thank you, Mr. Mayor. The Committee on Traffic and Transportation met today at 3:30 p.m. Those who are still in attendance here will be happy to know we passed our first two traffic calming speed humps of the year on Race Street, which apparently, unbeknownst to us, but thanks to the Mayor for reporting, is the subject of some State Legislation currently to either change its name or co-name it, so we'll keep an eye on that. That was the only thing that needed approval by this Council. So, I move that we approve the two traffic calming speed humps on Race Street, soon to be maybe known as Race or some other Street."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "We have a motion and a second to approve those speed

humps. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Seekings, seconded by Councilmember Shahid, City Council voted unanimously to adopt the Committee on Traffic and Transportation Report as presented:

- a. Approval of Traffic Calming Speed Humps
  - (I) Race Street (between Rutledge Avenue and King Street) Westside Neighborhood
- b. Bicycle and Pedestrian Advisory Committee/Ordinance Discussion (INFORMATION ONLY)

Mayor Tecklenburg said, "Next, is the Committee on Public Works."

Councilmember Williams, Chair of the Committee on Public Works, said, "The Committee on Public Works met on Monday afternoon. We had our traditional acceptance and dedications. I would just like to highlight Item (c), E-waste Collections. Beginning on May 1, 2017, the City of Charleston will not collect electronic and T.V. products, and we will be doing a public awareness in 30 days to get that done. It's a hazard issue that we had to just stop and with that, I move for approval."

Councilmember White said, "Second."

Mayor Tecklenburg said, "We have a motion and a second. Are there any questions or discussion?"

No one asked to speak.

On a motion of Councilmember Williams, seconded by Councilmember White, City Council voted unanimously to adopt the Committee on Public Works and Utilities Report as presented:

- **a.)** Request Public Hearing for the Proposed Closing and Abandonment of a portion of **Wharfside Street**.
- b.) Acceptance and Dedication of Rights-of-Way and Easements:
  - (i) Brownswood Village Phase 2 Acceptance and dedication of Tannery Row (50-foot right-of-way), a portion of Tabard Road (50-foot right-of-way), a portion of Innkeeper Lane (50-foot right-of-way), and a portion of Field Planters Road (50-foot right-of-way). Sidewalk is bonded.
    - a. Title to Real Estate
    - b. Affidavit for Taxable or Exempt Transfers
    - c. Pla
    - d. Exclusive Storm Water Drainage Easements
    - e. Exclusive Access Easements

- (ii) Cainhoy Entrance Road Phase 2B Acceptance and dedication of a portion of River Village Drive (variable width right-of-way).
  - a. Title to Real Estate
  - b. Affidavit for Taxable or Exempt Transfers
  - c. Plat (3)
  - d. Exclusive Storm Water Drainage Easements (2)
- (iii) Daniel Island, Parcel BB, Phase 1B Acceptance and dedication of a portion of Oak Leaf Street (55-foot width right-of-way).
  - a. Title to Real Estate
  - b. Affidavit for Taxable or Exempt Transfers
  - c Plat
  - d. Exclusive Storm Water Drainage Easements
- (iv) Daniel Island, Parcel F, Phase 5 Acceptance and dedication of Nobels Point Street (50-foot right-of-way), Apprentice Street (50-foot right-of-way), and Wading Place (50-foot right-of-way).
  - a. Title to Real Estate
  - b. Affidavit for Taxable or Exempt Transfers
  - c. Plat
  - d. Exclusive Storm Water Drainage Easements (2)
- c. E-waste Collections Proposed amendment TO AMEND SEC. 14-50(a) OF THE CODE OF THE CITY OF CHARLESTON TO PROVIDE THAT ELECTRONIC WASTE SHALL NO LONGER BE COLLECTED BY THE CITY due to its hazardous properties.

First reading was given to the following bill:

An ordinance to amend Sec.14-50(a) of the Code of the City of Charleston to provide that electronic waste shall no longer be collected by the City.

Mayor Tecklenburg said, "So, next will be our Committee on Ways and Means."

Councilmember Moody said, "Move for approval."

Councilmember Mitchell said. "Second."

Mayor Tecklenburg said, "We have a motion and a second. Is there any discussion on Ways and Means?"

No one asked to speak.

On a motion of Councilmember Moody, seconded by Councilmember Mitchell, City Council voted unanimously to adopt the Committee on Ways and Means Report as presented:

(Bids and Purchases

(Police Department: Approval to submit the 2017 Firehouse Subs Foundation Grant, in the amount of \$17,385 for an Explosive Detection Canine. No City match is required.

- (Police Department: Approval to submit the 2017 Paul Coverdell Forensic Science grant, in the amount of \$20,451 for Digital Examiner equipment supplies, and certification for the Forensic Services Division. No City match is required.
- (Office of Cultural Affairs: Approval to submit a grant application to Charleston County for accommodations tax funding in the amount of \$15,000 for the 2018 Piccolo Spoleto Festival. No match is required.
- (Office of Cultural Affairs: Approval to submit a grant application to Charleston County for accommodations tax funding in the amount of \$15,000 for the 2017 MOJA Arts Festival. No match is required.
- (Office of Cultural Affairs: Approval to submit a grant application to Charleston County for accommodations tax funding in the amount of \$10,000 for the 2017 Holiday Magic in Historic Charleston. No match is required.
- (Parks-Capital Projects: Approval of a Construction Contract with VSC Fire & Security in the amount of \$84,220 of the replacement of the sprinkler system at the VRTC Bus Shelter. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent contingency funds exist in the Council approved budget. Approval of this action will institute a \$90,000 project budget of which the \$84,220 Construction Contract will be funded. The funding source for this project is the Facilities Maintenance-General Maintenance line item in the 2017 General Operating Budget.
- (Parks-Capital Projects: Approval of a Local Public Agency "Participation Agreement" between the City and SCDOT for the design, permitting and construction of a multiuse trail parallel to Glenn McConnell Parkway between Goodwill Way and West Ashley Circle, providing the first bicycle or pedestrian linkage across the active CSX railway in West Ashley. This project also provides a critical link between the existing multi-use trail systems along Bees Ferry Road and Mary Ader Avenue. The project budget of \$497,554 is being funded by Federal CHATS Transportation Enhancement Funds from SCDOT in the amount of \$398,043.20 with 20% required matching funds being provided by the City in the amount of \$99,510.80. Approval of this "Participation Agreement" would require the City to provide matching funds in the amount of \$99,510.80 for this project. Matching funds have already been identified and allocated through 2014 General Fund Reserves.
- (Parks-Capital Projects: Approval of a Local Public Agency "Participation Agreement" between the City and SCDOT for the design, permitting and construction of a multiuse trail parallel to St. Thomas Island Drive over Beresford Creek, providing a dedicated bicycle/pedestrian link parallel to the existing narrow roadway and bridge. The project budget of \$509,467 is being funded by Federal CHATS Transportation Enhancement Funds from SCDOT in the maximum amount of \$400,000 with matching funds being provided by the City in the amount of \$49,467 and Berkeley County in the amount of \$60,000. Approval of this "Participation Agreement" would require the City to provide matching funds in the amount of \$49,467 for this project. Matching funds have already been identified and allocated through 2014 General Fund Reserves.
- (Public Service: Approval for B&C Land Development to perform emergency repairs in the amount of \$894,180 at White Chapel Circle due to the extent and severity of the pipe failures throughout the neighborhood. The work was performed as an emergency repair due to the need to stabilize the severely damaged pipe system in the neighborhood.
- (Recreation: Approval of a one-year pilot project between the City of Charleston and Town of James Island authorizing the City to open the James Island Recreation complex on Sundays from 1:00 p.m. 5:00 p.m. for use of the gymnasium by the

community; City of Charleston will be solely responsible for operating the complex; Town of James Island agrees to pay up to \$15,000 for City's cost to operate complex. This item is not budgeted. The cost is estimated to be approximately \$30,000, with the Town reimbursing up to \$15,000. Recreation is committing their contingency funds to cover the unbudgeted expenses.

(Authorize the Mayor to repeal Ordinance 2008-52 as amended by Ordinance No. 2008-66 and execute on behalf of the City a Transfer Agreement conveying 26 Reid Street to Charleston Habitat for Humanity for \$44,000 for development of affordable housing under the City's HOME Investment Partnerships Program guidelines. (TMS: 459-09-04-040; 26 Reid Street) [Two ordinances]

(Consider the following annexation:

-- 2935 Maybank Highway and adjacent vacant lot (TMS# 313-00-00-091 and 313-00-00-089) 4.60 acres, Johns Island (District 5)

(Authorize the Mayor to execute a Facility Use Agreement by and between the City of Charleston and Guy McSweeney for the City of Charleston Fire Department to use approximately 2,000 square feet of land for up to six months for the temporary staging of a mobile home in Cainhoy (TMS: 263-00-01-062)

First reading was given to the following bill:

An ordinance to repeal Ordinance No. 2008-52, as amended by Ordinance No. 2008-66 authorizing the transfer of 26 Reid Street to Charleston Area Community Development Corporation.

An ordinance authorizing the Mayor to execute on behalf of the City a Transfer Agreement between the City and Habitat for Humanity, Inc. pertaining to property owned by the City at 26 Reid Street, to include any and all deeds, bills of sale or other documents as may be necessary to effectuate the transfer.

An ordinance to provide for the annexation of property known as 2935 Maybank Highway and adjacent vacant lot (4.60 acres) (TMS# 313-00-00-091 and 313-00-00-089), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by James Coyne and Laure Vandermoere.

The Clerk said, "Mayor, just for the record, I want to make sure that everybody knows that the E-waste does have an ordinance that's attached to it."

Mayor Tecklenburg said, "That's correct."

The Clerk said, "So, we're giving that ordinance first reading."

Mayor Tecklenburg said, "Yes, we realize there was an ordinance with the E-waste matter. We're adding that to our list of hazardous waste, which it really is. So, that's why come April 1, 2017, we will no longer be collecting E-waste. We're going to notify the public of the different places in the community where you could take your old T.V. and electronic stuff. There are places to take it for free, but we won't be able to pick it up anymore after April 1, 2017. Next up are bills for second reading. We have the matter of the annexation of the property at Folly Road and Grimball Road Extension."

Councilmember Gregorie said, "Move for approval."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "We have a motion to approve and a second. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Gregorie, one (1) bill (Item K-1) received second reading. It passed second reading on motion by Councilmember Lewis and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Lewis, the rules were suspended, and the bill was immediately ratified as:

2017-017

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1648 FOLLY ROAD AND 1614 GRIMBALL ROAD EXTENSION (1.86 ACRE) (TMS# 427-00-00-022; AND 427-00-00-021), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 6.

Mayor Tecklenburg said, "So, now, we can go back to the matter of the zoning of the property which, of course, we discussed, Item E-3 in our public hearings."

Councilmember Gregorie said, "Move for approval."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "We have a motion to approve and a second. Is there any further discussion or questions?"

No one asked to speak.

On a motion of Councilmember Gregorie, one (1) bill (Item E-3) received second reading. It passed second reading on motion by Councilmember Lewis and third reading on motion of Councilmember Gregorie. On further motion of Councilmember Riegel, the rules were suspended, and the bill was immediately ratified as:

2017-018

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1648 FOLLY ROAD AND 1614 GRIMBALL ROAD EXTENSION (JAMES ISLAND) (1.86 ACRES) (TMS #427-00-00-022 AND 427-00-00-021) (COUNCIL DISTRICT 6), BE ZONED LIMITED BUSINESS (LB) CLASSIFICATION.

Mayor Tecklenburg said, "So, now, we'll have second reading on the matter behind 83 Mary Street where we were just verifying where the property line was, a quit-claim deed to shore that up."

Councilmember Mitchell said, "So moved."

Councilmember White said, "Second."

Mayor Tecklenburg said, "Do we have a second?"

The Clerk said, "Yes, Councilmember White."

Mayor Tecklenburg said, "Okay. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Mitchell, one (1) bill (Item K-2) received second reading. It passed second reading on motion by Councilmember White and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Shahid, the rules were suspended, and the bill was immediately ratified as:

## 2017-019

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A QUITCLAIM DEED TO 83 MARY, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY, QUITCLAIMING ANY INTEREST OF THE CITY IN THAT CERTAIN PIECE, PARCEL OR LOT OF LAND SHOWN AND DESIGNATED AS "TMS 460-12-02-024, 83 MARY, LLC 0.059 ACRES 83 MARY STREET" ON THAT CERTAIN PLAT ENTITLED "BOUNDARY SURVEY TMS 460-12-02-024 83 MARY STREET CITY OF CHARLESTON, CHARLESTON COUNTY, S.C." PREPARED BY FORSBERG ENGINEERING AND SURVEYING, INC. DATE NOVEMBER 21, 2014, REVISED NOVEMBER 22, 2014 AND RECORDED ON DECEMBER 3, 2014 IN PLAT BOOK L14, AT PAGE 0501 IN THE CHARLESTON COUNTY RMC OFFICE.

Mayor Tecklenburg said, "We're going to defer the matter, Item K-3. It says 'second reading only', but as you heard from the report from Community Development, it was deferred in the Committee, so I think it is appropriate for us to defer the matter here at Council, as well. So, hearing no objection, we will move ahead to bills up for first reading, and this pertains to the number of properties that are in the Accommodations Overlay Zone. If I may call on our Planning Director, Jacob Lindsey, to make a brief presentation about this matter."

Mr. Lindsey said, "Thank you, Mr. Mayor, and members of Council. Over the past year, I've talked to you a number of times about hotels, and this proposal is fundamentally different from what we've done before. It's clear, and it's simple. We have removed any regulatory confusion. What you are voting on tonight is a map of properties to decide whether they should have the option to become hotels or not. There are no other text changes within the ordinance for this evening. It's clear, and it's simple. Now, what have we done? We've taken out public spaces, public buildings, parking garages, housing, and offices. That's what's been removed from the Accommodations Overlay in the map that you see. Now, you all know we have an incredibly successful tourism industry. We are also leaders in tourism management. We do it very, very well, and we have put in place reasonable measures to manage tourism, and the Accommodations Overlay Zone is one of those very reasonable measures. As you all know, we created this in 1987, following the construction of Charleston Place, then we updated it in 1998, then we updated it again in 2013. So, we created the Accommodations Overlay, and we have consistently trimmed it down one after another. As you know, we have heard from a number of these owners. We have heard from some fully leased office building owners that they would like to convert their buildings into hotels in the future. What we are proposing is to keep these work places and to keep housing in place. This is about preserving the balance of uses downtown. So, with that, I will turn it over."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "I just want to ask one question. On the property you know we have, I mentioned between Sheppard and Lee Streets on Meeting, on the map, they are showing that this is in the A-4 area, and it says a 100-room maximum. Is that two different properties, two different parcels of 100 units each?"

Mr. Lindsey said, "No, sir. The map is a little confusing. That is one 100-room hotel that crosses. It's on multiple properties but it's not 200 rooms. It's 100 rooms in total for that area of the map."

Mayor Tecklenburg said, "Alright. Well, if I may make a few comments before we start. As you all know, colleagues, we've talked about the matter of hotels for a little while now since I've become Mayor, and I know you're disappointed that we're not talking about all those other things that we had in the ordinance from last year. I do want to let you know that we did have some good ideas in that ordinance from last year, including things like making sure that new hotels have a place for guests to be dropped off, to require parking for employees, and a few other things like that. So, don't despair, we're going to come back to you in April with a couple of those simple good ideas that I think we all agreed on.

What we have before you tonight, is in essence a very simple way to help ensure that our City continues to have a diversity of uses. So, we got together and came up with what we thought were clearly obvious properties. Like Jacob said, some of them were even our own parking garages, parks, and churches; also, other uses such as residential or office that we think are good and long-term for our City and, with the prospect of a very strong hotel market, we don't want to see a hotel on every corner. So, this that we bring before you tonight allows us to accomplish that. Now, it did also include a couple of strategic projects like the one Councilmember Mitchell just asked about, rather than a gentleman having two or three parcels and doing 50 rooms each, we considered that's a good location right at the Gateway to the City, and combined, he can do one hotel with 100 rooms rather than owning three parcels and trying to do three 50-room inns there.

The other thing that I want to ask Council's forbearance, hopefully, we'll get this in the form of a motion in a minute, is to remove in the fifth line of the ordinance the section that says, '150 in areas designated A-5 on the Zoning Map'. That's the property that is over in the Market area of the old Baptist parking lot. The reason why we'd like to bring that back out of consideration tonight, as you heard from some folks representing the property, they are just on the verge of talking with the neighborhoods and bringing forward a proposal about a hotel development there. Rather than acting upon this tonight, we thought it would be appropriate to give them a few weeks to meet with the neighborhoods, and come to some consensus about some needs that exist out there, in terms of traffic and all like that. It kind of was a confluence of timing also. At our next meeting, we're going to have a public hearing on the abandonment of that section of Hayne Street that runs basically right through that property. The prior administration had agreed with the owners of the property to move forward with that because there's a trade-off of some transformer locations, so that we're able to proceed with undergrounding the electric utilities in the area. I'm rattling on to give you multiple reasons why I think it would be appropriate just tonight that we remove that line 5 regarding area A-5.

I did want to point out that just because a property gets removed from the Overlay District, number one, to be entitled to have a hotel on a property, you all know they still have to get a special exception from our Board of Zoning and Appeals. Number two, if they're removed, they can always be added back in to the Accommodations Overlay Zone at some point in the future. So, if there's an office building out there today that's being asked to be removed from the district, it's got a good life, say 20, 30 more years. After the lifetime of that building is over, if the property

owners want to come back to the City and propose a quality hotel at that time, the Council and the Mayor may decide that's a good idea. Right now, the properties we've presented to you, other than the one I just mentioned should come out, are not actively considered for development as hotels. In other words, there's no proposal before us, and so they have other uses, and to protect those uses, we ask you to consider this matter before you tonight to bring them out of the Overlay District."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "I just want to ask a quick question. I think I'm going to support this, but I want to ask how do we determine the number of rooms for like the A-4, A-5, A-7, how was that determined?"

Mr. Lindsey said, "Those are the pre-existing categories that are in the Zoning Ordinance that determine the number of rooms. We have a set of categories, 50 rooms, 100 rooms, 150 rooms, 200 rooms, 225 rooms. Those are just preset within the ordinance, so when it says 'A-4', that just refers to that category in the ordinance that has that number of rooms associated with it. It's just a way of designating groups."

Mayor Tecklenburg said, "I'll point out to you that A-7 on the map has already, in essence, been approved by Council by way of the PUD for that property. That's a great public return, by the owners dedicating a portion of their property to become a street. The 175-rooms designated for that A-7 was done by way of that PUD, but this formalizes it on the Zoning Map."

Councilmember Williams said, "Move for approval with the amendment."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "We have a motion and a second."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. Mr. Lindsey, I have a couple questions. I did a quick count on this blown-up version of this map, and it looks to me like there is, identified for our consideration tonight, about 67 properties. Does that sound about right?"

Mr. Lindsey said, "We counted 86 properties, by our account."

Councilmember Seekings said, "86, okay. So, 86, did we post a notice for every one of these properties?"

Mr. Lindsey said, "All of the owners have been notified by mail."

Councilmember Seekings said, "Okay. By mail?"

Mr. Lindsey said, "In accordance with State law."

There was laughter in the Chamber.

Councilmember Seekings said, "In accordance with State law."

Mr. Lindsey said, "In accordance with State law."

Councilmember Seekings said, "Have you heard back from any of these property owners in the negative?"

Mr. Lindsey said, "We have heard back from some of these property owners in the negative. We have also heard back from some of these property owners that they're fine with it. Those that we have heard from have voiced their concerns and would like to preserve their ability to turn these into hotels in the future."

Councilmember Seekings said, "Right, and what we're doing, to be clear tonight, if we do it, is to take away these specific property owners' rights to ask for a special exception from BZA to allow them to build a hotel. We're not doing really anything to stop the building of hotels, we're just taking away 80-some people's right to ask the BZA for that special exception. Correct? That's what we're doing."

Mr. Lindsey said, "Obtaining the ability to build a hotel requires a BZA special exception. That's right."

Councilmember Seekings said, "So, we're just simply telling them you can't ask. The people who objected to this on specific properties, did we take them out?"

Mr. Lindsey said, "No, the ones that you have before you are our original proposal with the one exception, of course, that the Mayor mentioned of the 150 rooms at the property formerly known as the First Baptist Church."

Councilmember Seekings said, "Right, well, that's a little bit different because we're actually changing some zoning. Those are the ones that you look on your map that are blue and red, because we're actually upzoning those in some ways, as opposed to downzoning them. So, my concern is notice to all these property owners that they are, they're not losing anything other than the right to ask, but that is technically a downzoning. I want to make sure that when we do this, if we do this, that these people know what's happening to them. I know this is first reading, but if we give it first reading between now and then, I would like to be satisfied that everyone is comfortable. I saw an e-mail today, I think you were copied on, from 81 Mary Street. They're not comfortable. They don't like it. So, I'm inclined to give this first reading tonight with the caveat that we spend some time identifying these properties and matching up notice, objection, and this map, so we can re-think it before we put this in perpetuity. I think this Council is interested in, based on the workshop we had on Daniel Island, what's coming next and that is, what are we going to do with this zone? How are we going to deal with transportation problems with the hotels that are being built and are going to be built, that are already entitled, but not brick and mortar yet, all those things? This doesn't do any of that. Simply, for instance on this map, there's Marion Square. Great, that should come out and some other things. So, I think this is a step, but it's not really where I think we all want to go ultimately, which is to have a comprehensive look at the Accommodations Overlay and how we're going to deal with the stresses that hotel development puts on other parts of our infrastructure, and I take it that's coming."

Mayor Tecklenburg said, "Well, that's right, and that's why I mentioned, when I began my remarks, that we will be coming back to you with those parts of the prior ordinance that I think we had some consensus that needed to be dealt with, including transportation and parking for employees and that kind of thing. Regarding the folks who are objecting to coming out of the Accommodations Zone, I must give the perspective that we formed an Overlay District, I think,

about 30 years ago. So, prior to that point, they weren't in the Overlay District because there wasn't one. They never came forward, in the last 30 years while they were in the Overlay District, to propose a hotel for their property because they had some other use or whatever. The floor is open, if ten years from now they want to come back to City Council and asked to be put back into an Overlay Accommodations District, they certainly would have that right. So, it would just be one more step, but the beautiful thing, from my perspective, is the diversity of uses and yes, some limiting factor to the phenomenal growth that we've seen in the hotel rooms in the City. Admittedly, not all of those 86 properties would support a 50-room hotel, but if you multiply 86 times 50 that would be 4,300 potential hotel rooms, if you could build 50 on each one of those parcels."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Just as a point of clarification, the notices went out to all of these property owners, and you just said generally that you had some opposition. What was sort of the percentage of the opposition first, and what was the nature of the opposition that you received?"

Mr. Lindsey said, "As of the start of this meeting, I think we heard from seven owners, to my knowledge, that objected to the idea of this change, and, in terms of notification, also just to be clear, we've notified every owner, as this moves forward to the Planning Commission. As it comes back for public hearing, of course that would require posting. So, there will ample notification of the change. Our contention, from the Planning Department's side, is that we have looked very closely at each one of these properties, and we feel that the loss of these workplaces, or in some cases housing, would be detrimental to the balance of uses downtown. That's why we've selected each one of them."

Councilmember Shahid said, "With the objections that these seven raised, what were their objections?"

Mr. Lindsey said, "I would generalize them by saying that the majority of folks that I spoke with, or that I heard from via e-mail, said that they would like to preserve the option in the future to convert their properties into hotels; not that they want to do that now, but at some point in the future they would like that ability."

Councilmember Shahid said, "Thank you."

Mayor Tecklenburg recognized Councilmember Gregorie followed by Councilmember Wilson.

Councilmember Gregorie said, "How many of the 86 did you hear from? Seven said 'nay', how many said 'yes'?"

Mr. Lindsey said, "As is often the case, when folks like something, they don't always call us, and they let it move forward. So, I didn't hear a tremendous groundswell of 'yes', but like I said we assume that when folks are letting things move forward, that means they are implicitly, you know."

Councilmember Gregorie said, "My question is very specific. How many of the 86 said 'yes'?"

Mr. Lindsey said, "We did not hear any 'yes' from anyone, but we also didn't hear an absolute 'no' from, well, we heard an absolute 'no' from, I think, three."

Councilmember Gregorie said, "Seven or three?"

Mr. Lindsey said, "Three were an absolute 'no' that I'm aware of, and then the others were wanting to discuss it and wanting to preserve it."

Councilmember Gregorie said, "So, where we are, we're getting ready to really vote on something that we've not really heard from the bulk of the folks that will be affected."

Mr. Lindsey said, "One of the reasons that we do a first read, of course, is to go through with the notification process, and make sure that owners are in fact notified of what we do, and it's important to point out that a number of these properties, none are owned by individuals, but by LLC's or shells of corporations. So, we notify in order to get that notice to the owner."

Councilmember Gregorie said, "Thank you."

Mayor Tecklenburg recognized Councilmember Wilson.

Councilmember Wilson said, "I do remain concerned about the property owners who have had a negative response. I thought maybe I misread that there were a couple of properties one specific owner asked about today, and that owner was assured that the properties would be removed. Am I mistaken? Specifically, Mr. Little's property."

Mr. Lindsey said, "You see, he was a representative of an owner was my understanding, not an owner, and what I responded to him was that I would make sure that the Mayor and Council were notified of his objection."

Councilmember Wilson said, "Okay, because I don't want to see the department hide too close behind LLC's and that sort of thing. You send a letter, it's going to make its way to the person who needs to see it."

Mr. Lindsey said, "That's right."

Councilmember Wilson continued, "I think it's also very, very important for this Council not to pull a 'gotcha' and say, 'well, you didn't respond, you know, you didn't so, gotcha, you're out, or you're in, and you can't get out', whatever the case may be."

Mr. Lindsey said, "Right."

Councilmember Wilson continued, "I think we need to take great care. I remember when we did this in 2013, and it was kind of tough because it came to light that the property owners really hadn't been notified, and there were substantially more properties, and that did cause some hard feelings and definitely kerfuffle. I think we need to be a little more prudent and make sure that property owners have had time to digest this. Receiving a letter in the mail and then Council passes first reading, let's be careful to not abuse the privilege or the motion of first reading and freezing everything and then try to conduct City business. Let's go ahead and be upfront with our property owners, and let them know what their options are and what the resulting impact may be."

Mayor Tecklenburg said, "Okay, who hasn't spoken yet?"

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Jacob, you may have said this, what was the date of the mailing? Can you give us, I'm just trying to sort of determine how long, outside of this showing up in the paper today, have property owners had time to be notified?"

Mr. Lindsey said, "Oh, I was just looking back, I think it was Wednesday of last week when we sent mailers out."

Councilmember White said, "Let's say that mail got to them on Friday or Saturday, if they were in-State, today is Tuesday, and it was in the paper yesterday. So, really they've only had a couple of days, potentially, to be aware at this point."

Mr. Lindsey said, "I just want to point out, that's a standard notification time."

Councilmember White said, "I just wanted to try and get an idea because, if we've got seven who have already sort of said that they object to it or want to talk but, if the notification to those who don't live in either Charleston or in the State or otherwise, are just now getting their letters, by the time we come if we gave this first reading, we could have a little bit more of a groundswell of negativity by the time we get to second reading. So, if we move forward today with this, I think we just need to kind of have a Plan B in place because I suspect, anybody who is a property owner is not going to be real excited about giving up rights. That's the reality of the situation. I guess the only concern, my initial concern was obviously that A-5 site, and we sort of rectified that, but now talking and hearing it sounds like there could be a timing issue of where people have been notified, and maybe don't know quite frankly all that's gone into this, and are still trying to take time to study it. So, I think we just need to be prepared for that because that's probably going to come up."

Mayor Tecklenburg said, "You may go over the map in some detail and see another property or two that you would like to include that didn't get included."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "I think it's tough for this Council to vote on something, when we're flying blind again as a Council. There's not enough information, basic information, to me. It's not that I'm against it, it's just that there's not enough information for me to make a decision on it, and it's just that simple. If you've heard from seven that are on the negative side and none on the positive side that raises concern for me, especially, as I represent them. It's not enough information for me to vote on this. I personally think we should we defer it until you get some more information to us."

Mayor Tecklenburg recognized Councilmember Riegel followed by Councilmember Williams.

Councilmember Riegel said, "Thank you, Mr. Mayor. I'm glad Councilman Seekings brought that particular item to our attention. I hadn't necessarily seen that, and I agree with Councilman Gregorie. I think it is imperative that we, as a governing body, engage the stakeholders or the constituents in this decision-making process. I don't believe, by most people's definitions, mailing something by regular U.S. Mail on a Wednesday, and we're voting on Tuesday, it could be defined as due notice. Just in the past when we've gone this route, I think we've been a little reticent about doing it because we didn't have those stakeholders involved. My first tendency

was to pass first reading and then tweak it before second and third, but now I'm frankly having second thoughts about even a first reading. Thank you, sir."

Mayor Tecklenburg recognized Councilmember Williams.

Councilmember Williams said, "Last year we asked Planning at the retreat to look at many different options, but one of the things that was clear to me is the protection of housing space. So if we defer, what are we deferring to? I thought that we were going to do a first reading to work on the direction that we're going. If this is not the right direction to go, then we don't even need to do anything, because we're going to be back in the same place we were before. For those of you who think that this is some kind of way of doing a back door moratorium, then you need to be straight up with that, too. My thing is that we have to go in some direction. The citizens of this City are asking questions. If you're not stuck in the stone, what is all of this growth about? How are you going to protect the workforce? People are asking critical questions about this Peninsula and about the growth of hotels. They're really asking the question, 'are we really looking at the future', 'where are we going to be'? That's what the citizens are asking, and I thought at the retreat, this is what we're asking. If you're trying to divert a moratorium, what if all those buildings that could be hotels turn into hotels? That would be very irresponsible of this Council and the Planning Commission not to look at this. So, I'm going to stick to my guns and try to get the vote to go forward, because we've got to go in some kind of direction."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Again, I've spoken to both the Mayor and Jacob today regarding this, but as I think a tad bit more open at this moment after listening, I keep looking, and I'm reading this is Zone A-1, Zone A-2, Zone A-3, A-7, except I don't have any of those on my map. So, my question is, I've got to go back to about a year ago when we were at Bishop Gadsden and we first saw the hotel discussion come up which culminated on Daniel Island some 90 days later with the folks, as we've discussed. I am thinking what has this building done? Eighty-seven properties are out, is that what you said?"

Mr. Lindsey said, "Eighty-six."

Councilmember Wagner said, "How many are left? How many were there to begin with?"

Mr. Lindsey said, "I don't have the total tally."

Councilmember Seekings said, "Lots."

Mr. Lindsey said, "But the majority are still in."

Councilmember Wagner said, "The majority are still there, and most of them are in A-1, A-2, the 50-room category, right?"

Mr. Lindsey said, "That's correct."

Councilmember Wagner said, "So, we don't know how many that is, but at 50, that could be a bunch of them, right? So, we have all of these 50-room hotels, and then up on, what, Spring Street, King Street we have these couple megas, a couple 150s?"

Mr. Lindsey said, "That's right."

Councilmember Wagner continued, "I would have questions then. How can that be sustainable, one? Two, what's the impact in a pretty crowded area, Spring Street area, of two more hotels on the police force? Quite frankly, I was ready to go with this at 3:30 p.m. today, however, to paraphrase my friend over here, it needs to cook a little longer before I'm going to be totally comfortable with it. He didn't say it tonight, but he has said that before, and so I'm going to go out on a limb here and propose to defer one time, to see where we can see the map really clearly and get a very similar discussion from you, like we did at Bishop Gadsden and over on Daniel Island, to where we could see what we're doing here just as the Councilman said. So, I would like to make a motion that we defer just one Council meeting."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mayor. So, to sort of look at this from another direction, as you can see, I have the big map here. I went and looked at it, and I had a long conversation with Jacob. To be fair, there are very few properties on this map that are currently undeveloped. We're not about to change the game for anybody. The few that are undeveloped actually if you look, Councilmember Wagner, the change to A-4, the add to A-4, the change to A-5, those are the undeveloped lots that we're actually upzoning. So, if you see a flag on this map when you get a big version, those are actually the undeveloped lots that we're tonight, if we pass this first reading, we're upzoning. The ones that are just painted in black, those are the ones that are losing their right and ability to go and ask the BZA for the right to go and build a hotel. I think, and maybe I started this, so I want to sort of pull the reins back a little bit. A little bit of this is much ado about nothing other than the property owners who have voiced some dissatisfaction. They need to be heard at some point, but none of the ones who have voiced dissatisfaction are currently in the process of building a hotel, or are owners of properties that are not currently developed with something else on them. For instance, 200 Meeting Street is coming out. It's at the end of Pinckney Street. I see some of my neighbors. It's the worst neighbor in the world. I would love to see that become anything other than an office building. We could talk about that going forward and maybe talk to the owner.

I am inclined, Councilmember Wagner, to give this first reading with the proviso that we've got to make sure that these people are notified, and then we hear them out. I did receive an e-mail from the owners of 81 Mary Street, the law school is there right now. The law school is not shutting down any time in the near future. We already got through that one. Remember they were about shut down, we're going to lose it all. They're going to be there for a while. They've owned that property for a while. It's historic. It's never going to get knocked down. It's next to a parking garage. It's something that 50, 60, 20 years or so, who knows, maybe in the change of things, might be worthy of an accommodation. Currently, they have the right to ask for it. We're taking that away. They're asking us not to do that. That's a legitimate conversation to have. It's a legitimate conversation to have. I do think that this, coupled with whatever pros you come up with to change, add, modify our current Accommodations Overlay and the rules that go along with it, really is the most important part of this, again, apropos of our conversations on Daniel Island. I would certainly recommend to my fellow members of Council to go take a look at this map in the blown-up version, and you will see, I think you will be satisfied as I did, that we're not really taking anything out that is currently undeveloped that might be a hotel tomorrow. We're upzoning some things, and then we're carving one out, which is actually a long soliloguy to get to the question about Hayne Street. We're not going to vote on that tonight. We've got a lot to talk about that. What is the plan going forward legislatively at this body if we carve out Hayne Street tonight? What are we going to do about that because it's part and parcel of this Accommodations Overlay? We have a developer that's sitting in here that spoke. We have members of the neighborhood that are here. If we're carving it out tonight, how does it fold back in as we go forward?"

Mr. Lindsey said, "So, my understanding of what we're requesting this evening is that all of that block down there by Church, Pinckney, Anson, and Market would not be up for consideration. Both properties and the Hayne Street right-of-way are not on the table for this evening, is my understanding. That whole thing, we're not talking about that right now. Is that correct? Is that what you understand?"

Councilmember Seekings said, "Right, we're going to, at some point, and it's going to be made part and parcel of this map, and it is noted here and called out as an upzoning. It is one of the things that Councilmember Wagner pointed out. He couldn't figure out because it was small, and I agree with him the A-4, A-5, all of those changes. We just need to make sure we have this altogether. Whatever direction it takes, when it comes back, this all has to work and fit and be part and parcel of what we're doing. Look, the people who live on the Peninsula have called for us to do something about this, and they already have."

Councilmember Seekings continued, "For those of us who represent people on the Peninsula, we are not doing our constituents a service if we don't address this, and this is a very, very, very, with all due respect, small step to addressing the bigger issue of what's going to happen going forward with development. It is one reason why I am semi-comfortably going to vote in favor against a deferral and in favor of first reading, but it's all got to fold in back together. We have to have a clear message to everyone out there where we're going as a City, in terms of the development of hotels on undeveloped lots, as well as developed lots, and how that is going to work going forward, addressing other issues that stress us every single day, which is traffic, transportation, overcrowding, flooding, and sea level rise. All of that is implicated with this. This big map isn't big enough to handle all of those issues, but this issue encompasses. Mayor, all of those issues. It's important. This, to me, is a message to all of us that we need to get on to the next step. So, if this is a small step to get into the big step, great, but it can't be put on the shelf and forgotten about. We have to address the people of their legitimate objections to this. So, with that caveat, I'm going to vote against deferral. I'm going to vote to give this first reading, and then you and I are going to spend a lot of quality time together talking about what we're going to do going forward if it gets through the first reading. I've said my piece for the night. I appreciate you listening me out, and Hayne Street, we've got to get on that."

Mayor Tecklenburg said, "Councilmember Shahid, did you have a comment on that?"

Councilmember Shahid said, "Councilmember Moody did."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Thank you, Mr. Mayor. I was just sitting here listening to everything, and I was somewhat where Councilmember Seekings was, that I was going to give it first reading, but I've got some real problems with it. I heard from four businesses today that had just gotten their notice, so I'm a little bit leery of this timing, how quick it's done and whether we've got the right response. Those four people basically wanted to be taken out of this zoning. They wanted to be part of that 86 that got removed. When I look at these four responses, one of them was a lawyer representing a group out of, I think, California, somebody here might be able to tell us about that, who owns that property where First Baptist is, but that was one of the ones that wanted to be taken out, and I understand they have the other ones. The other three that contacted me

were local business people that have substantial, and I'm talking about substantial, investments on the Peninsula. These are local business people that have put their fortunes at risk, and they didn't want to be included in this. This person from away, they got out. These other three wanted to get out and they're left in, and then we excluded 86 properties. I hear the churches that were in were removed. Is that right? So, I don't know whether that does damage to some of these churches downtown that are folding, and I hate to see them fold, but they have to have another way of doing something. They're not going to be churches. I kind of come back to my original problem, and all of this is involved, the transportation, the parking, the properties that I've been contacted by are all office buildings, which is the most impactful business of any on traffic. If you went to a hotel, you'd cut the driving and everything by a third. My numbers on 100,000 was like 300 parking places for an office building and 66 for a hotel. So, if we went to all hotels, maybe that would get rid of our traffic problem, which I'm not advocating, by the way, but I think the market will control a lot of that. I don't how many more hotels we can put down here and still be competitive. It seems to me like some of these hotels might end up going to office buildings, other than the other way around if we keep building them. I'm somewhat inclined to, well, I'm more inclined to defer this thing. I would love to be part of a bigger conversation about how we work all of this together, I guess is where I'm going. So, anyway, thank you, Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Waring followed by Councilmember Lewis.

Councilmember Waring said, "Thank you, Mr. Mayor. We're making progress on this. At the workshop at Daniel Island, I think if we took a vote on who all is in favor of reducing 50-room hotels, I think it probably would have been 13 to nothing, but it's the methodology getting there. There's something about the way we've done this, Mr. Mayor and Mr. Lindsey, the mailing and not posting of properties or whatever, putting it out on a Wednesday, and here we are meeting on Tuesday for determination. I think the level of integrity that this City does business at is better than that. It's legal, okay, I understand that, it's legal, but the level of integrity that we, we just brought in a piece of property from James Island. We annexed it, they had a public hearing, we discussed it. the public was in here, had tremendous input, the owner was in here, had tremendous input, and that same deference on this issue has been accorded these 86. These people have been paying properties for decades to this City. This property in James Island hasn't paid one dime of taxes to help run this City. So, the process in which we go about having that discord, pro and con, we're trying to slip something through at the 11th hour, and we can do better than that. That's all I'm saying, Mr. Mayor. The map that Councilmember Seekings has, has all of these additional demarcations on them. The map that was mailed out to Council has none of those. So, not only have the property owners, in my opinion, been given extremely short notice to be able to even discuss it with their counsel, the information that's been disseminated on our City Council agenda doesn't have the information that Councilmember Seekings has, in which he can derive additional information to represent his constituents. So, 12 of us, from the information that the City mailed out and put on the website for the public to access, in my opinion, should have had, and I certainly would have liked to have had, some of that information that's on here. Now, with that said, we need to reduce these 50-room hotels."

Mayor Tecklenburg said, "We need what?"

Councilmember Waring said, "We need to reduce the number of properties that are zoned for hotels, but we can do that, giving the owners enough time to respond, giving Council the information when we do our homework, that's denoted with the same information that my colleague has. I should have had that information to be able to represent my constituents' interest in this. So, why would we do it that way? We can accomplish this, doing it the right way, in my opinion, with a better level of integrity than the process that we're trying to do right now. Somehow, if I voted for this, I wouldn't walk out here feeling like I did it the right way. I think we can curb the

number of hotels, doing it the right way because most of us realize that we created a problem. When we allowed the 50-room hotels to the degree that we have, believe it or not, that came from, in large part, from the preservation community. I remember that, being on the Planning Commission. We thought it was such a rush to stop the big box hotels, until we're going to create these little hotels, and, in my opinion, that's been more of an encroachment on the neighborhoods than certainly Charleston Place probably ever was. So, Mr. Mayor, as a person who wants to be an ally to this process, I can't be an ally, the way the property owners have been notified, giving short notice, trying to run something through, and the way we've been notified, and I think that's a mistake. Don't get me wrong, I think that's an honest mistake doing it that way, but I think I would support the deferral just for the proper notice for the landowners and the property owners, the proper notice to the Councilmembers, and every citizen that got a copy of this agenda. Now, if we're trying to slip something through, I guess we'll do it this way, but we should do better than that. That's my comment, Mr. Mayor."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Thank you, Mr. Mayor. You know we have said in this Council many times, 'let's give this first reading, we'll have second reading on it, what is the timeframe for this to come back to City Council?' If you were to give first reading tonight, can we recommend that this come back maybe April or May, or is there a rush to have it back two weeks from now for second reading? So, what is the timeframe?"

Mr. Lindsey said, "Councilmember, if this were to move forward now, the fastest it would come back would be in April, and if I may just offer that, of course, we would post every property and have the public hearing at Planning Commission. We always engage constituents, landowners, and the public on big ordinances before second reading. You all know that's what we do. We can do a public workshop on this thing, a public open house, and get everybody in the room to make sure everyone has been engaged. So, I'll just offer that before it comes back in April, if it were to come back on that timeframe."

Councilmember Lewis said, "I'm not finished."

There was laughter in the Chamber.

Councilmember Lewis continued, "With this getting first reading, going to the Planning Commission, and coming back in April, would be no different than saying it's deferred till the next meeting in the next two weeks. Why don't we just go ahead and send it? We have the opportunity not to put it back on the agenda if it's not ready at the end of April, because we have sat in this Council so many times and taken items and given it a first reading and waited until it came back. So, we could do it with this, and I think it'll be just as good as a deferment. If it was coming back in two weeks, I wouldn't vote on it, but it's coming back in about two months. It might be the end of April and the first part of May. So, why not just give it a first reading, give staff the time to work on it, they're going to have over a month to work on it. If we're not satisfied, don't vote for it at second reading."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Maybe I missed misreading this, but Councilmember Waring, my maps, I'm looking at Councilmember Seekings' map, and my map has the same thing that he

has on his. I don't want us to walk away thinking we're not getting the same information. It seems to me that the prudent thing to do is what Councilmember Lewis has just suggested, that if we go ahead and pass first reading on this we can delay, not delay the process, but we can be more deliberate on the process, because I think we're all concerned about the notice to these landowners. We want these landowners to make sure they are involved and that they participate in this whole process, and so the public hearing component, the notice component, those are critical to making sure we're getting feedback as to how they feel about their property and the overall issue with what we're doing here this evening. Not to beat this again, but we've talked about this. This whole business of more hotels has got all of us on edge and concerned because of the incredible ripple effect that if we do this wrong how this is going to impact the Peninsula. We all represent this whole City concerning what happens with these hotels and the build-up or if we allow the boutique hotels versus the big hotels. It's all on our radar screen, and we all are generally sincerely concerned about it because it has such a tremendous effect on the rest of the City. So, let's give this first reading, let's be extremely diligent and deliberate with how we proceed after the first reading, let's take our time with it, and let's make sure we get all of these landowners an adequate opportunity to be heard, and stretch out this public forum as much as we possibly can, so we can do this thing right. Thank you."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Just one thing, any time this body reads something for first reading, we send it to Planning. I think the expectation from Planning is that we're setting the tone that we're in support of something, and so sometimes I think we do send the things forward, as Councilmember Lewis said, and say, 'okay, we'll get it tweaked out in a little bit between here and there, but we'll send it forward'. So, one thing I would say, to this end, is that I've got apprehension about it. I'm prepared to send it to first reading, and send it to Planning, with the caveat that we need to make sure Planning understands when it gets to them, that this body had a pretty serious concern with regards to property owners' rights, and those property owners who have already raised their hand, and the timing of the notice, and that they need to make sure that they look at this and sort of do a deeper dive than this body has on first reading. Then, send it back to us with a following recommendation. They need to address those items and those property owners who do further raise their hands, because more are going to come up. There's no doubt about it. More people will get more notifications over the next few days, and this will hit the papers and the media and so on and so forth. So, I just think that the caveat needs to be from this body, if we should decide tonight to send it forward and give it first reading and go to Planning, that Planning needs to understand, and we need staff to tell the Planning Commission that we had reservations and what they were about, and that we need them to be mindful of property owners' rights and those particularly who have raised their hand through this process."

Mayor Tecklenburg said, "Thank you, and I will reiterate that this is a first step, and as I opened earlier this evening, we'll be coming back to you to talk about the transportation and the parking and the shuttles and the regional hotel planning that needs to occur and all those things. Again, admittedly a year ago, I asked you for a moratorium on hotel construction. This is not that. This is just simply taking one step out of the line for properties who at this point don't have a hotel use, don't have an application before us, and, as far as we know, don't have any near-term plans to bring a hotel application before us. So, over the next couple of months as this goes through the Planning Commission and comes back to us, we'll have the ability to listen to everyone who was noticed and post the notice, and, if this Council decides that one of those properties really strategically ought to be a hotel long-term for this City, we'll take that parcel number off of the ordinance. But you were kidding a minute ago, I know, when you said, 'we'll just let all of the properties become hotels, and then our problems would go away,' I know that was in jest. Again, I

make the case to you that our hotel market is so strong that long-term is, in fact, what is happening. Who would have guessed 20 and 30 years the number of hotel rooms that we now have on the Peninsula and the thousands more that are in the pipeline. This is a long-term matter of beginning to remove future potential and future possibility for that growth, and it's targeted to properties that really even though I get it, 'oh, you're taking away one of my little bundles of rights', but these are properties that we don't feel strategically long-term should be hotels in our City. So, I ask you for your first reading tonight."

Councilmember Gregorie said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "I think this body deserves more so that we can make informed decisions for the residents of this City. To me, first reading does send a signal that, coming from this body, of support, call it what you want, but first reading to me means we support this. Of course, we don't have to do second and third, but still the message is there. My concern is still that we don't have the kind of information that was just described a few minutes ago that we will have at second reading. That should be here now, so that as a legislative body we can make informed decisions moving forward. So, for me, I'm not going to support it if it's not deferred. It's not that I'm not as concerned as everyone in this room about the growth of this City and the effect that it's having on livability. My concern is, I think, as a legislative body, we deserve more information before we continue to give everything first reading. Give it first reading, give it first reading. There's not enough information for me to do that, and I'm not going to continue this pattern that's being established that, when there are disagreements on this body, we give it first reading. That's support. I can't do that to my constituents. I committed and took an oath that I will make informed decisions. This is not an informed decision. So, if we don't defer, I'm going to vote against it."

Mayor Tecklenburg said, "Alright. Are there any other questions?"

Councilmember Waring said, "I have a guestion."

Mayor Tecklenburg said, "There's a motion on the floor to defer."

Councilmember Waring said, "I did have a question and, Mr. Mayor, again, what you just said prior was accreted to the process. It was good, but I would ask Mr. Lindsey, as well as you, again, like I say, because I'm trying to get there. Why can't we be informative on the front end? I would like an answer to that question. For example, you made mention of a very wonderful process, we can have public forums and we can have workshops. Why can't we do that on the front end? Is there a legal reason why we can't do that on the front end?"

Mr. Lindsey said, "We notify on a routine basis with that same period. That's a normal course of operation and I also want to be real clear about this that we've been talking about hotels for a year and we've engaged a number of property owners."

Councilmember Waring said, "I've been talking about it with you, Mr. Lindsey, but I really would like you to answer the question. Why can't we be informative on the front end? We're going to do it anyway, and Councilmember White, you're right. Councilmember Gregorie, you're right. This is, 'you say we're going to pass it with the caveat that we're going to let them know that basically', and I'm paraphrasing it with great consternation. That's really not going to happen because this Council isn't going to show up at that Planning meeting, but maybe we can to a point

where we really improve the process. So, Mr. Lindsey, and then maybe, Mr. Mayor, why can't we be informative on the front end?"

Mr. Lindsey said, "Well, I certainly heed that concern. Going forward we will always do that, but I want to be very clear that, when we make key decisions, at the end of the day, we always engage our constituents. The owners are always engaged properly and we want to make sure we do that. So, if you all want further notice, we will certainly do that."

Councilmember Waring said, "But my point is, by the first reading, why can't we be informed in particular on something as important as this is to the City?"

Mr. Lindsey said, "Right."

Councilmember Waring continued, "It was important when the people thought 50 rooms was a great idea. Remember, that came from the community as well. Now, the 50-room, obviously, has been a bad process and I agree with that. So, I guess my point is, we have to give first reading so we can open up this process to be very informative and, maybe, going forward, we can find a way to do it on the front end."

Mayor Tecklenburg said, "Well, I certainly wish we had sent the letter out sooner. Ever since our meeting on Daniel Island last fall, I've been suggesting to you all that we were going to bring you a list of properties to take out of the Accommodations Overlay Zone. It's really not a complicated matter. The properties come out of the zone. There's the map, and, if you had a question about any particular property, we would be happy to discuss which property that is, but it was meant to simplify what we do and tried to do last year with the ordinance about limiting the changes of use and all like that and, simpler, just take them out of the zone. It was not meant to complicate things."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, I was going to try to answer Councilmember Waring's question. Part of the reason is, and also Councilmember Gregorie, part of the reason is, until we put it on the agenda, people don't respond."

Councilmember Moody continued, "You want to know why we don't have more notice, and that's really why I would like to have this deferred, to give a couple weeks to go back to. I mean, I just heard about it today. I just found out, and I just found out tonight, that we had this map that was different than the one we had that didn't have everything on it. So, I'm kind of getting more information, but what I'm thinking is that we should come back in a couple of weeks and, maybe at that point, have some discussion, give it first reading, and then start this process. We're not delaying it that much. That was my concern. I agree with Councilmember Gregorie. I want to move this process forward, but to do that with first reading, I'm just uncomfortable. So, that's why I'd like to defer, to where we can have a little bit more discussion for the next couple weeks, and then we can have first reading. The real reason to your question is that we don't get more information, we've been talking about this since January a year ago. It's not like all of these people that contacted me today didn't know something like this was going on. It was only when we put it on the agenda for first reading and they were notified that they got their back upsided, so I need to have more discussion with them as to where they are and how we might resolve this. Whether we could, I don't know. Whether we could leave some properties in and give them some period of time that they're kind of grandfathered to get out, I don't know. I'm just sitting here running my mouth right now and I'll quit."

There was laughter in the Chamber.

Councilmember Moody continued, "But we need to have those discussions. That's what I'm saying. So, thank you."

Councilmember Waring said, "Mr. Mayor, I think I may have a way to move it forward."

Mayor Tecklenburg said, "Sir?"

Councilmember Waring said, "I think I may have a way to move it forward."

Mayor Tecklenburg said, "How's that?"

Councilmember Waring said, "If Councilmember Wagner will entertain an amendment to his deferral and add, 'if we were to defer this for two weeks,' just until the next meeting, everybody would have a lot of time to respond. Then we come right back for first reading, and then every objection, I guess, to the integrity of the process that I came up with, would go away. Two weeks from now. At our very next meeting . . ."

Councilmember Mitchell was excused at 8:04 p.m.

Mayor Tecklenburg said, "Right."

Councilmember Waring continued, ". . . if we were to go with a two-week deferral, the letters have already gone out, these people would have time to respond back. If they're in favor, fine, if they're not, which ones do you want in and out, and then that first reading comes. I'll commit to you all, I'll vote for that first reading."

Councilmember Moody said, "I would like to add to your amendment that everybody get a Big Mac."

There was laughter in the Chamber.

Councilmember Waring said, "If you would accept that amendment, Councilmember Wagner?"

Councilmember Wagner said, "Sure, I thought that's what I was doing but we were going to defer it one cycle."

Mayor Tecklenburg said, "Right."

Councilmember Wagner said, "So, yes, let's amend it and say two weeks, one meeting from now, and that way we can get all of the questions that you've heard here tonight answered. That was my whole point."

Mayor Tecklenburg said, "Right. Well, let me share this one comment. If it's just about property rights and that one bundle of your property rights being taken away, I would say that I'd prefer to move on and try to get first reading tonight. If you're going to tell me, Councilmembers, that you will seriously look at this map and these properties, and not base your decision on the fact that somebody just might like to have the possibility to apply for a hotel, when we know he can

come back to this Council at any time and be put back in the zone, as opposed to the strategic thought that this property should have another hotel long-term on it and, therefore, we ought to keep it in the Accommodations Zone. But, I believe that we've gotten to the point in this City with a hotel growth that it's, to me, it's a no-brainer, that these particular properties don't meet that criteria, and that the unbridled growth of hotels in this City will, in fact, lead to what Councilmember Moody teased about, that it will all be hotels if we leave them in the zone. So, I just ask you, if you do defer tonight to two weeks from now, to make your decisions based on what you really feel the future growth of hotels in downtown Charleston ought to be, and not on a property owner just thinking, 'well, I've got that right now, I don't want to give it up', because to me that's not good enough."

Councilmember Waring said, "It is the big picture, Mr. Mayor, it's not the isolated special privilege that I'd like to give somebody else. That notice, I'd like to have that feedback. When I say I'd like to have it, I like the City to have that feedback, staff, you, everybody back around again. Like I said, if we had two weeks on that, I wouldn't be saying what I've said."

Councilmember Lewis said, "Call the question."

Mayor Tecklenburg said, "Call the question."

Councilmember Waring said, "Two weeks."

Mayor Tecklenburg said, "Two weeks."

Councilmember Seekings said, "Where did Councilmember Mitchell go?"

The Clerk said, "He was excused."

Mayor Tecklenburg said, "Is he coming back?"

The Clerk said, "Yes."

Mayor Tecklenburg said, "Okay, can we wait a minute?"

Councilmember Seekings said, "Can I make one quick comment then?"

Mayor Tecklenburg said, "Yes."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Just so the record is clear, the map that I've got, I went and got it from the Planning Department. It is the same map that's in our packet. I want to just to . . ."

Councilmember Mitchell returned to the Chamber at 8:06 p.m.

Councilmember Waring said, "It's different."

Mr. Lindsey said, "It is the same map."

Councilmember Seekings said, "I want to defend Mr. Lindsey and his team."

Mr. Lindsey said, "Thank you."

Councilmember Waring said, "It's got different things on it."

Councilmember Seekings continued, "So, hang on, hang on, hang on, it's just not as big, but if you look at your map, it's the same."

Councilmember Waring said, "You have one page."

Councilmember Gregorie said, "You have one page."

Councilmember Seekings said, "I have the floor I think. It just doesn't print out on a PDF in your small packet as a big thing, so it's carved up. Again, the callouts that I think people are concerned about, and you particularly, Councilmember Wagner, were, those are all upzones. Those are the ones that actually are upzones and those are the blank properties. So, just to make sure we're all operating on the same little playing field, regardless of what happens here tonight, the information has been given to us by our Planning Department. Whether we like it or not and we like the manner in which it was done, that's a different conversation. So, I just wanted to make that clear and also with this motion to defer, I want to be clear what we're voting on. Are we voting to defer everything? Is Hayne Street carved out? Where are we with that?"

Mayor Tecklenburg said, "Well, a motion to defer will just defer the whole matter for two weeks."

Councilmember Shahid said, "Call the question."

Mayor Tecklenburg said, "Okay."

On a motion of Councilmember Wagner, seconded by Councilmember Gregorie, City Council considered deferring Item L-1 on the agenda. The motion failed 7 to 6.

The vote was not unanimous. Councilmembers White, Wagner, Gregorie, Waring, Moody, and Wilson voted in favor of the motion.

Mayor Tecklenburg said, "Do you want to call the roll?"

The Clerk said, "Yes. Councilmembers White, Wagner, Gregorie, Waring, Moody, and Wilson voted in favor. Those opposed would be Councilmembers Williams, Lewis, Mitchell, Seekings, Shahid, Riegel, and Mayor Tecklenburg.

The Clerk said, "It looks like the nays win 7-6."

Mayor Tecklenburg said, "7-6. There was a motion on the floor, and it was seconded with an amendment that the one reference to A-5 be removed."

Councilmember Seekings said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "So, now we're going to vote on this map that we just got, which includes the amendment taking Hayne Street out?"

Mayor Tecklenburg said, "Correct."

Councilmember Seekings said, "Now, a lot of the debate tonight has centered around if we give this first reading it goes through a long process, we make sure the mailings are okay, we make sure there's notice, there's engagement, there's Planning Commission, and there's everything. Hayne Street is being carved out. What's happening to that?"

Mr. Lindsey said, "May I, are you asking, can I respond to that?"

Mayor Tecklenburg said, "Yes."

Councilmember Seekings said, "I have a question. So, I just want to make sure we all know where we're going with this."

Mr. Lindsey said, "If the developer proceeds and they want to move forward with this, and we abandon Hayne Street, and it goes to that consolidated parcel, by the time this comes back in April it will all be settled and it will no longer be Hayne Street, it will be a private parcel. So, if they decide to move forward, and we move forward with the abandonment of Hayne Street, when it comes back, that issue will be resolved completely by April."

Councilmember Seekings said, "It was going to, because they are a legitimate contender here. They've got an investment on a hot property that isn't currently developed and we've got a neighborhood that's got some concerns, so I just want to make sure that this doesn't disappear in the never, never, ever, ever land."

Mr. Lindsey said, "Yes, sir."

Councilmember White said, "Can I just make a brief comment about that, too?"

Mayor Tecklenburg said, "Yes, sir."

Councilmember White said, "With regards to the 150, if it comes back and, in that discussion that it's agreed upon that they'll abandon Hayne Street but not go to 150, then it may not ever come back up. So, I think that, at the end of the day, the intent of tripping it out at this point is to allow for all of the appropriate conversations to happen, and not put the cart before the horse, and that was the intent. Thank you."

Mayor Tecklenburg said, "That's right. Alright. Can we call the question on the ordinance as amended?"

On a motion of Councilmember Williams, seconded by Councilmember Lewis, City Council voted to give first reading to the following bill:

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by revising Section 54-220 (b) (1) (e) (15) pertaining to limits on the number of rooms in facilities; and by changing the map pertaining to the Accommodations Overlay Zone district in the Peninsula portion of the City in accordance with the maps attached to this ordinance. (AS AMENDED)

The vote was not unanimous. Councilmembers Gregorie, Waring, Moody, Wagner, and Wilson voted nay.

The Clerk said, "So, that's Councilmembers Gregorie and Waring. Is there anyone else?"

Mayor Tecklenburg said, "Councilmember Moody."

The Clerk said, "Councilmember Moody. Thank you."

Councilmember Gregorie said, "Councilmember Wagner."

Mayor Tecklenburg said, "Wagner was a no vote as well."

The Clerk said, "And Councilmember Wagner."

Councilmember Wilson asked that her vote be recorded as a 'nay' for the record because her intention was to vote 'nay'.

Mayor Tecklenburg said, "Alright. The next bill up for first reading is the ordinance to put in place a temporary moratorium."

Councilmember Riegel said, "Move for approval."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "We have a motion to approve and a second."

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel said, "This is entirely in my district, so I'd like the honor of making that motion that we move forward with this moratorium. Thank you, sir."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Gregorie said, "It's already been moved and seconded."

Mayor Tecklenburg said, "It's already been moved and seconded."

Councilmember Riegel said, "I don't care, I want it, it's my district."

There was laughter in the Chamber.

Mayor Tecklenburg said, "For the record, Councilmember Riegel has expressed his support and willingness to have been the one who made the motion."

The Clerk said, "Councilmember Williams, would you give that opportunity to Councilmember Riegel?"

Councilmember Williams said, "By all means, sir, go ahead."

Councilmember Riegel said, "Thank you, sir."

The Clerk said, "Councilmember Riegel."

Councilmember Gregorie said, "Second."

The Clerk said, "Okay."

Councilmember Riegel said, "Councilmember Gregorie, thank you, and Councilmember Williams, you both are gentlemen. Thank you, gentlemen."

Councilmember Williams said, "Thank you so much, sir."

Mayor Tecklenburg said, "Are there any questions or comments?"

On a motion of Councilmember Riegel, seconded by Councilmember Gregorie, City Council voted to give first reading to the following bill:

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding to Article 9, Administration and Enforcement, a new part 6, Temporary Moratorium.

The vote was not unanimous. Councilmember Lewis voted nay.

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Riegel said, "Move for adjournment, Mr. Mayor."

There was laughter in the Chamber.

Councilmember Moody said, "Were any opposed?"

Councilmember Lewis said, "I voted no on the moratorium."

The Clerk said, "Okay, you're voting no. Thank you."

Mayor Tecklenburg said, "Councilmember Lewis voted no. Were there any other no's, just for the record?"

The Clerk said, "On the moratorium."

Mayor Tecklenburg said, "On the moratorium."

The Clerk said, "And Councilmember Moody."

Councilmember Moody said, "Well, I haven't had a chance to address this."

Mayor Tecklenburg said, "That's correct."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Or am I wasting my time."

There was laughter in the Chamber.

Councilmember Moody said, "I just want to make a couple comments."

Councilmember Williams said, "Move for deferral."

Councilmember Moody said, "Yes, I want to move to defer. I know we're in the process of getting an engineer study done on that property out there."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Moody said, "I'm not sure whether nine months is long enough or maybe too long but what I'm really concerned about is that I would like to see is these last, I think we're down or we only had two firms, one local and one further away, I don't know whether they were out-of-state with maybe local offices. Is that right, Josh, something like that?"

Councilmember Moody continued, "I'm concerned that once we get through this study and we make a decision that if, whatever firm is selected to do this study, that if they've got people or they've been involved in any of the decisions that have been made out in that basin, that we'll be back in trouble because people will discount the study. So, I guess what I'm asking, I'm not sure who's on that selection committee."

Mayor Tecklenburg said, "Not Josh."

There was laughter in the Chamber.

Councilmember Moody said, "Well, that's good news, but whoever is on that committee, I think we need to inquire if anybody has any fingerprints on that drainage problem or the construction of it or the design of housing out there, that we kind of get a good look at that thing. So, I would just make that as a recommendation and, whether it's nine months, I really would hope that we would push that to the engineering firm came back in say six months with a study and said, 'Here's what we need to do', that we can go ahead and take the moratorium off. I guess it's up to or not to exceed nine months is what we're saying."

Mayor Tecklenburg said, "That's correct."

Councilmember Moody said, "I didn't really get that out of the wording but, not to exceed nine months, I'd like to be sure that wording is in the ordinance."

Councilmember Riegel said, "Not to exceed nine months."

Councilmember Moody said, "Yes, I want it back sooner than later. If we drag our feet and we don't get this thing done, I'm going to have problems with extending that moratorium. I want the work done now. These people need an answer and we need some relief."

Councilmember Riegel said, "Okay, if that's, yes, I'll amend my motion to include and consider . . ."

Councilmember Lewis said, "But we already voted."

Councilmember Williams said, "We've already voted, sir."

Councilmember Lewis said, "We've voted for it."

The Clerk said, "It's part of the record."

Mayor Tecklenburg said, "I'm not finding where it says in the ordinance, but the intent surely was that it not exceed nine months, and we certainly will end it sooner if we're done sooner. It will take a little while to get this done. We've got the proposals back from the RFP. There were only two firms that responded, so it will probably just take one or two meetings of the committee to decide on who we select of the two, but we'll move as quickly as we can."

Councilmember Moody said, "As you do that, I would like to ask that question of both of the groups that we've asked, 'Have you done anything else out there?' I would like to know that. If you've done some planning or engineering."

Mayor Tecklenburg said, "Duly noted."

Councilmember Moody said, "Thank you, sir."

Mayor Tecklenburg said, "We will do so."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I do have a reason to add to what Councilmember Moody said about the length. One reason, I think, is important if the work can be completed certainly sooner than nine months, Councilmember Riegel will have this budget cycle to consider some funding, versus if it runs the whole nine months, we're going to be in another fiscal year so it makes sense."

Councilmember Seekings said, "It'll be close. It'll be close."

Mayor Tecklenburg said, "Well, it's March 1, 2017 tomorrow."

Councilmember Waring said, "No, no, March comes in tomorrow. By the time we select the firm and negotiate the contract end of March, nine months, we're at the end of December, we have already voted on our budget. We've been through budget workshops, so if we're going to consider monies for a potential solution then this, for the next fiscal year, we need something shorter than nine months. I don't know if anybody's thought about that but . . ."

Mayor Tecklenburg said, "I can't say that I have, but you're right on the edge."

Ms. Cabiness said, "So, the moratorium would be nine months, but we'll talk to the engineer that's selected about a shorter schedule. They may not be able to finish it in nine months. We're going to work toward some recommendations that we can go ahead and put in place. So, maybe they find something they want to engineer that may take longer, but if they find regulations that involve filling in the flood plain or building in the flood plain, I expect we'll have a recommendation on that sooner."

Councilmember Gregorie said, "Is the Harmony PUD in the moratorium?"

Ms. Cabiness said, "I'm sorry."

Councilmember Gregorie said, "Harmony PUD."

Ms. Cabiness said, "The Harmony PUD is in the flood plain. Is that what you asked?"

Councilmember Gregorie said, "Yes, is it in the moratorium?"

Ms. Cabiness said, "Yes."

Mayor Tecklenburg said, "Yes."

Councilmember Riegel said, "I wanted to add that I was a little disappointed, frankly, Councilmember Waring, that only two engineering firms replied to the RFP. I was hoping we'd have a broader response and a broader experience base and very disappointing to me, sir."

Ms. Cabiness said, "I can add this because I've looked at them briefly, just looked through them, and both applicants have a team of engineers and several firms involved."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Just very briefly, I'm going to sidestep that for a second, because we have had a conversation tonight about maps, who's in and where things are, and this document refers to the 100-year flood plain. I think we need to just make sure that, now that we've voted in the moratorium, the people are very clear that, the TMS number, the whole deal, Mayor, that we let people know, because this is the most serious action a body can take in terms of someone's property and that is to shut everything down. So, let's please make sure people know who is in and who is out so we can hear from them, and we will."

Councilmember Seekings said, "Well, it's the right thing to do, but it's a difficult thing to do, and it's a drastic thing to do."

Mayor Tecklenburg said, "Right. So, I do want to share with Council that the moratorium will allow for a property owner to proceed with approval and permitting but, they are just at risk that if we come back before the nine months and say, 'We're going to increase your elevation by a foot. You've got to build at a higher level than elsewhere in the City', they would have to comply with whatever increased requirements we come up with. It doesn't stop someone from getting their other approvals along the way. It won't get a building permit, obviously. There being no further business, the next City Council meeting will be March 14, 2017 right here. Y'all have a happy Mardi Gras. This meeting is hereby adjourned."

There being no further business, the meeting was adjourned at 8:20 p.m.

Vanessa Turner Maybank Clerk of Council

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